United Nations S/PV.6007

Security Council

Sixty-third year

Provisional

6007th meeting

Thursday, 30 October 2008, 10 a.m.
New York

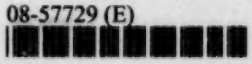
President:	Mr. Zhang Yesui	(China)
Members:	Belgium	Mr. Belle
	Burkina Faso	Mr. Koudougou
	Costa Rica	Mr. Ballestero
	Croatia	Mr. Jurica
	France	Mr. Lacroix
	Indonesia	Mr. Natalegawa
	Italy	Mr. Terzi di Sant'Agata
	Libyan Arab Jamahiriya	Mr. Dabbashi
	Panama	Mr. Suescum
	Russian Federation	Mr. Dolgov
	South Africa	Mr. Laher
	United Kingdom of Great Britain and Northern Ireland	Mr. Bayley
	United States of America	Mr. Wolff
	Viet Nam	Mr. Le Luong Minh

Agenda

Consideration of the draft report of the Security Council to the General Assembly

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

08-57729 (E)



The meeting was called to order at 10.15 a.m.

Adoption of the agenda

The agenda was adopted.

Consideration of the draft report of the Security Council to the General Assembly

The President (*spoke in Chinese*): The Security Council will now proceed to the consideration of its annual report to the General Assembly, for the period from 1 August 2007 to 31 July 2008.

Members of the Council have before them the draft report. The introduction to the draft report was prepared by the delegation of Viet Nam, as President of the Council in July 2008, with the participation of other members of the Council and the immediate past members of the Council. The body of the report was prepared by the Secretariat. I should like to express appreciation to Viet Nam and the Secretariat for their respective contributions.

I should like to point out that the format of the draft report now before the Council corresponds to the relevant provisions contained in the notes by the President of 19 July 2006 (S/2006/507) and 19 December 2007 (S/2007/749).

I now give the floor to the representative of Viet Nam in his capacity as head of the delegation responsible for drafting the introduction to this year's annual report.

Mr. Le Luong Minh (Viet Nam): As you and the other members of the Council are aware, Mr. President, the General Assembly will discuss the annual report of the Security Council in early November. To give United Nations Members enough time to study the report before they discuss it at the General Assembly, early submission of the report by the Council is important. I thank you for convening this timely meeting.

As President of the Council for the month of July 2008, Viet Nam was charged with the task of preparing the introduction to the 2008 annual report of the Council to the General Assembly. The draft report covers the work of the Council during the period from 1 August 2007 to 31 July 2008. The introductory part of the report that we prepared provides insights into how the Council addressed a wide array of issues in another year of its intensive work, reflecting the Council's achievements and situations and circumstances in which it was unable to take action. In every case, we have tried to reflect the general views expressed by Council members.

In the course of developments in conflicts and disputes in Africa, Asia, Europe, the Middle East and the Balkans, the introduction elaborates on regular briefings by the Secretariat, interventions by countries and/or parties concerned, communications with troop-contributing countries and follow-up deliberations and actions of the Council to respond to the situations under review.

A large part of the introduction is devoted to general issues, ranging from terrorism, the non-proliferation of weapons of mass destruction, the protection of civilians in armed conflict, children and armed conflict and women and peace and security to the work of subsidiary organs of the Council, such as the sanctions Committees, the Working Group on Documentation and the Working Group on Peacekeeping Operations. Coordination and cooperation with other principal organs of the United Nations, as well as the evolving role of regional and subregional organizations, have also been highlighted, as appropriate.

Over the past few years, the complexity and multidimensional character of the international situation have created ever-increasing demand for United Nations conflict prevention, mediation and resolution, peacekeeping and peacebuilding activities. Against that backdrop, the Security Council has faced increasingly complex responsibilities in shouldering its noble mission of maintaining international peace and security.

In order to better reflect the increased role and involvement of the Council under challenging circumstances, the quality of its annual report to the General Assembly should be further consolidated in all related aspects. Such incremental improvements, we believe, have the potential not only to strengthen the perception of and contributions from the wider membership of the United Nations and other relevant stakeholders in the work of the Council, but also to enhance the Council's authority and efficiency in discharging its mandates.

Towards that end, my delegation maintains that there is scope to develop the July presidency's consultations with not only Council members but also

the United Nations membership at large in the process of outlining and finalizing the annual report.

It was based on that perception and our desire to contribute to enhancing the openness, transparency and efficiency of the work of the Council with a view to enabling the Council to better perform its important and noble mission of maintaining international peace and security that we convened an informal meeting at the very end of our presidency to update United Nations Member States on the preparation of the annual report and to seek their views and suggestions, which did help to make the draft report that Council members have before them today more analytical, balanced and substantive. As a way of appreciating their valuable contributions and further improving the quality of the annual reports of the Council to the General Assembly, I humbly offer this experience to future July presidents.

In the process of preparing the draft report, my delegation enjoyed not only effective cooperation, but also, indeed, valuable support and assistance from all members and former members of the Council and from the Secretariat. The draft report contains and otherwise reflects many of their contributions. On behalf of my delegation, I wish to take this opportunity to express to them our most sincere appreciation and gratitude.

The President (*spoke in Chinese*): There are no further speakers on my list. It is my understanding that the Council is ready to proceed to the adoption of its annual report.

May I take it that the draft report is adopted by the Council?

There being no objection, it is so decided.

This decision will be reflected in a note by the President of the Security Council to be issued as document S/2008/678.

The Security Council has thus concluded its consideration of the item on its agenda.

The meeting rose at 10.25 a.m.

United Nations S/PV.6008

Security Council

Sixty-third year

Provisional

6008th meeting

Thursday, 30 October 2008, 10.25 a.m.

New York

President:	Mr. Zhang Yesui	(China)
Members:	Belgium	Mr. Belle
	Burkina Faso	Mr. Koudougou
	Costa Rica	Mr. Ballestero
	Croatia	Mr. Jurica
	France	Mr. Lacroix
	Indonesia	Mr. Natalegawa
	Italy	Mr. Terzi di Sant'Agata
	Libyan Arab Jamahiriya	Mr. Dabbashi
	Panama	Mr. Suescum
	Russian Federation	Mr. Dolgov
	South Africa	Mr. Kumalo
	United Kingdom of Great Britain and Northern Ireland	Mr. Bayley
	United States of America	Mr. Wolff
	Viet Nam	Mr. Le Luong Minh

Agenda

The situation in the Middle East

Eighth semi-annual report of the Secretary-General on the implementation of Security Council resolution 1559 (2004) (S/2008/654)

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08-57736 (E)

The meeting was called to order at 10.25 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East

Eighth semi-annual report of the Secretary-General on the implementation of Security Council resolution 1559 (2004) (S/2008/654)

The President (*spoke in Chinese*): I would like to inform the Council that I have received a letter from the representative of Lebanon, in which he requests to be invited to participate in the consideration of the item on the Council's agenda. In accordance with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the consideration without the right to vote in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Salam (Lebanon) took a seat at the Council table.

The President (*spoke in Chinese*): In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Terje Roed-Larsen, Special Envoy for the Implementation of Security Council Resolution 1559 (2004).

It is so decided.

I invite Mr. Roed-Larsen to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2008/654, which contains the eighth semi-annual report of the Secretary-General to the Security Council on the implementation of Security Council resolution 1559 (2004).

At this meeting, the Security Council will hear a briefing by Mr. Terje Roed-Larsen, Special Envoy for the Implementation of Security Council Resolution 1559 (2004). I now give the floor to Mr. Roed-Larsen.

Mr. Roed-Larsen: Four years ago, this Council passed resolution 1559 (2004). Today I will, on behalf of the Secretary-General, use the opportunity to recall the spirit and objectives of that resolution.

The main objective of resolution 1559 (2004) is to reaffirm the sovereignty, territorial integrity, unity and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon throughout Lebanon. For that purpose, it calls for the withdrawal of all foreign troops from the country and the disarming and disbanding of all Lebanese and non-Lebanese militias.

The requirements of the resolution are merely a reflection of — or literally quotations from — the very provisions of the Taif Accords of 1989, to which all the political parties in Lebanon committed. As such, resolution 1559 (2004) is a mechanism of the Security Council supporting the principles that the Lebanese committed themselves to in 1989. The understanding reached in the Taif Accords ended the civil war. It also stipulated that all Lebanese and non-Lebanese militias should disband and disarm. It led, at the time, to Lebanese militias — with the exception of Hizbullah — giving up their armed capacities.

I am pleased, in that context, to report that recent opinion polls conducted in Lebanon show massive support for the work of the United Nations in Lebanon. The results emphasize in particular that the vast majority of the population favours the implementation of all the provisions of resolutions 1559 (2004) and 1680 (2006), including the disarming and disbanding of all Lebanese and non-Lebanese militias.

I am delighted to report that the Lebanese leaders re-affirmed, in Doha, in May this year, their commitment to the Taif Accords.

In the same spirit, in its resolution 1680 (2006), the Security Council strongly encouraged Lebanon and the Syrian Arab Republic to establish full diplomatic relations and to delineate their common border. That reflects and arises from the requirements of resolution 1559 (2004) and is, as such, merely a road map towards affirming Lebanon's sovereignty, territorial integrity and political independence.

Since the adoption of resolution 1559 (2004) in September 2004, several of its provisions have now been implemented. The Secretary-General was able to certify that free and credible parliamentary elections

had taken place in early 2005. The same conclusion applied to the withdrawal of Syrian troops, military assets and military intelligence apparatus from Lebanon.

Today, I am glad to report major strides over the past six months towards the full implementation of the requirements of resolution 1559 (2004). The most significant progress made in the implementation of the resolution during the reporting period has been compliance with its requirement for a free and fair presidential election according to Lebanese constitutional rules, as called for repeatedly by the Security Council since 2004. I am indeed pleased to report that the election of the President has revived the constitutional political process in Lebanon. That relates in particular to the convening of Parliament, which, as the Council knows, was paralysed for almost two years.

On 30 September the Lebanese Parliament adopted a new electoral law based on the agreement reached in Doha in May. The new law paves the way for holding parliamentary election next spring.

Lebanon and Syria have engaged in high-level talks on matters of relevance to Lebanon's sovereignty, political independence and territorial integrity. On 14 August, the Lebanese and Syrian Presidents concluded two days of talks in Damascus with the release of a joint statement announcing the agreement of the two States to establish diplomatic relations at the ambassadorial level. That led to the signing of a memorandum between the Foreign Ministers of Syria and Lebanon, in Damascus on 15 October, announcing the establishment of diplomatic relations, effective the same day. That agreement also announced the two countries' determination to reinforce and consolidate their relations on the basis of mutual respect for their sovereignty and independence.

We are looking forward to close adherence to that understanding and the opening of embassies in Beirut and Damascus by the end of the year. The Secretary-General applauds the historic steps that have been taken so far by Presidents Sleiman and Al-Assad towards that goal. For the first time since their independence, the two neighbouring States are establishing diplomatic relations. Those developments seem to signal that a new page has been opened in the relations between the two countries. In that context, the Secretary-General pays tribute to the personal efforts deployed by President Sarkozy of France in convincing the parties to make significant headway on the matter.

The Secretary-General has also maintained his efforts to encourage Syria and Lebanon to achieve the full delineation of their common border. There was no significant progress on that matter during the reporting period. Accordingly, we welcome the renewed intention of Syria and Lebanon to make progress on the issue based on priorities set by both sides as announced also at the conclusion of the Lebanese-Syrian summit held in Damascus on 13 and 14 August this year. We encourage the two countries to materialize that commitment, in particular in those areas where the border is uncertain or disputed, in the best interests of both States.

We remain concerned by the general porosity of the Syrian-Lebanese border, which renders it easy to penetrate. The vulnerability of that border is reflected by both the permanent presence of paramilitary infrastructures belonging to the Popular Front for the Liberation of Palestine-General Command and Fatah al-Intifada, which straddle the border, and the growing concern of a number of Member States regarding the flow of weapons and fighters. Syria has continued to deny any involvement in effecting breaches of the arms embargo. At the conclusion of the Syrian-Lebanese summit held in Damascus on 13 and 14 August, the two parties agreed to take joint action to improve border security and halt smuggling operations. It is also important that Lebanon and Syria take tangible steps towards implementing the other aspects of the agreements reached in Damascus in August.

Over the reporting period, Israeli aircraft have continued to violate Lebanese airspace. The Government of Israel has continued to claim that those overflights are carried out for security reasons. We have regularly called on Israel to cease those overflights, which violate Lebanese sovereignty and Security Council resolutions. Israel continues to occupy the northern part of Ghajar, which constitutes a violation of Lebanon's sovereignty and of resolution 1701 (2006). The United Nations Interim Force in Lebanon is actively working with the Lebanese Armed Forces and the Israeli Defense Forces to find an early solution to that matter.

On 16 October the Secretary-General received a letter from Prime Minister Siniora of Lebanon, in which he expressed concern at the threats by Israel against Lebanon. The Secretary-General is indeed disturbed by the escalation of threats, through the media, between Israel and Hizbullah. He urges all

parties to cease that public discourse, which creates anxiety among civilian populations on both sides.

Despite the progress achieved in some key aspects of the resolution, other elements pertaining directly to the sovereignty, stability and territorial integrity of the Lebanese State remain unimplemented. The violence that erupted in Lebanon and spread widely across the country in May of this year served as a shocking illustration of how armed groups outside the control of the Government of Lebanon brought the country to a state of near collapse. The events engraved psychological scars on the civilian population.

Regrettably, over the reporting period there has been no tangible progress towards the disbanding and disarming of militias as called for by the Taif Agreement and resolution 1559 (2004). The most significant Lebanese militia is the armed component of Hizbullah. That organization maintains a massive paramilitary infrastructure separate from the State, including a secure network of communication, which the group itself deems an integral part of its arsenal. In May of this year, Hizbullah employed civil disobedience but also elements of its military assets to protect that very structure. Those assets and Hizbullah's resort to armed action in response to a political decision by the Government were a direct challenge to the fundamental authority of the Government and its attempts to consolidate its sovereignty.

The Secretary-General calls on Hizbullah to comply with all relevant Security Council resolutions and urges all parties that maintain close ties with it, in particular Syria and Iran, to support its transformation into a political party proper, consistent with the requirements of the Taif Agreement and resolution 1559 (2004).

The Secretary-General is gravely concerned by the possibility that the scars left by the clashes last spring may have prompted, if not accelerated, a process of rearmament in Lebanon. That activity and the continued presence of groups with military and paramilitary capacities threaten the holding of the free and fair parliamentary elections scheduled for next spring. We support the efforts of the Government of Lebanon to ensure a stable security environment in which those elections can be held.

I am pleased to report to the Security Council that as an integral part of the Doha Agreement, the Lebanese leaders committed themselves to prohibit the use of weapons or violence in any internal conflict that may arise. That and the ensuing national dialogue under the leadership of President Sleiman have provided Lebanon's leaders with a new opportunity to recommit themselves to strengthening the sovereignty of the State and the authority of the Lebanese Government throughout its territory.

The Secretary-General has welcomed the first session of the dialogue, which began by addressing itself to the question of a national defence strategy for Lebanon. In that context, we also welcome several attempts by Lebanese leaders to normalize their relations in the interests of Lebanon's security and political stability. It is my profound hope that those efforts will help prevent further violence throughout the country and lay the foundations for an ongoing and sustainable dialogue. It is important to reiterate today the Secretary-General's call on all Lebanese leaders to fully engage in a spirit of genuine cooperation and to commit themselves to achieving meaningful progress that consolidates Lebanon's stability and sovereignty. That process will also require the constructive engagement of States in the region, which also will benefit from a stable and sovereign Lebanon.

Another serious threat to the stability and sovereignty of Lebanon is posed by non-Lebanese armed groups. The Secretary-General is gravely concerned by the emergence and apparent strengthening of extremist elements and foreign fighters based largely in and around Tripoli. That phenomenon is but another challenge to the consolidation of the Government's authority.

There has been no progress towards the disarming of Palestinian militias in accordance with the agreement reached in the Lebanese national dialogue of 2006. We welcome, therefore, the intention expressed by Lebanese leaders at the first session of the dialogue this year. They confirmed the decisions reached in the previous dialogue and expressed their commitment to work towards implementing them.

Of particular concern is the emerging pattern of lethal attacks against the Lebanese Armed Forces, one of the most prominent symbols of the authority of the State. We are disturbed by the strengthening of extremist elements and foreign fighters based largely in and around Tripoli. That phenomenon is another challenge that highlights the proliferation of weapons and armed groups that continue to operate in Lebanon

in violation of resolution 1559 (2004). In that regard, I note the assertive action taken and arrests made by the Lebanese security forces of late.

The Secretary-General would like to commend the efforts of the Ministerial Committee of the League of Arab States presided over by the Prime Minister of Qatar and the Secretary-General of the League. He wishes in particular to pay tribute to His Highness Sheikh Hamad bin Khalifa Al-Thani for facilitating the Doha Agreement that helped Lebanon to avoid the spectre of a new civil war. Thanks to that accord, Lebanon was able to make major strides towards the affirmation of its sovereignty, territorial integrity and political independence.

The Secretary-General reiterates his conviction that the disarmament of Lebanese and non-Lebanese militias should take place through a political process that will lead to the monopoly on the use of force by the Government of Lebanon throughout all of its territory. I believe that there exists in Lebanon today the possibility for the country's leaders to engage in a process that addresses those issues, which remain at the core of the Lebanese agenda. Achieving meaningful progress in that regard is not only urgent but also possible, should all sides continue to adhere by their commitments to refrain from violence to settle political differences and commit themselves to a Lebanese political process that safeguards the county's sovereignty, stability and constitution.

Security Council resolution 1559 (2004) remains an international support mechanism for the implementation by the Lebanese of the relevant provisions and understandings reached in the Taif Agreement, namely, that all Lebanese and non-Lebanese militias disband, disarm and relinquish their military capacities. That understanding must be preserved and implemented to avoid the spectre of a renewed confrontation among the Lebanese.

The Secretary-General is keenly aware of the interlinkages between the various conflicts in the region. It is indeed his profound belief that all possible efforts must be exerted to attain a just, comprehensive and lasting peace for all peoples in the Middle East, consistent with relevant Security Council resolutions.

The President (*spoke in Chinese*): I thank Mr. Roed-Larsen for his briefing.

In accordance with the understanding reached in the Council's prior consultations, I now invite Council members to informal consultations to continue our discussion on this subject.

The meeting rose at 10.45 a.m.

United Nations S/PV.6009

Security Council

Sixty-third year

Provisional

6009th meeting

Thursday, 30 October 2008, 12.35 p.m.

New York

President:	Mr. Zhang Yesui	(China)
Members:	Belgium	Mr. Belle
	Burkina Faso	Mr. Koudougou
	Costa Rica	Mr. Ballestero
	Croatia	Ms. Lahovski
	France	Mr. Lacroix
	Indonesia	Mr. Natalegawa
	Italy	Mr. Terzi di Sant'Agata
	Libyan Arab Jamahiriya	Mr. Mubarak
	Panama	Mr. Suescum
	Russian Federation	Mr. Dolgov
	South Africa	Mr. Laher
	United Kingdom of Great Britain and Northern Ireland	Ms. Pierce
	United States of America	Mr. Wolff
	Viet Nam	Mr. Le Luong Minh

Agenda

The situation in Somalia

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08-57808 (E)

The meeting was called to order at 12.35 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in Somalia

The President (*spoke in Chinese*): I should like to inform the Council that I have received a letter from the representative of Somalia, in which he requests to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Mohamed (Somalia) took a seat at the Council table.

The President (*spoke in Chinese*): The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

After consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council:

"The Security Council condemns in the strongest terms the terrorist suicide attacks that occurred in the towns of Hargeysa and Bosasso in Somalia on 29 October 2008. These heinous attacks, which caused numerous deaths and injuries and appear to have been coordinated, targeted the compound of the United Nations Development Programme (UNDP) and an Ethiopian Government office, as well as local government offices.

"The Security Council expresses its deepest sympathy and condolences to the victims of these attacks and to their families, and to the people and authorities of Somalia and Ethiopia. It notes with appreciation that some of the victims are being treated at the French medical centre in Djibouti.

"The Security Council commends United Nations personnel for their action on the ground in Somalia, in support of the Somali population.

"The Security Council underlines the need to bring the perpetrators, organizers, financiers and sponsors of these reprehensible acts of terrorism to justice and urges all States, in accordance with their obligations under international law and resolution 1373 (2001) and consistent with resolution 1624 (2005), to cooperate actively with the authorities of Somalia in this regard.

"The Security Council reaffirms that terrorism in all its forms and manifestations constitutes one of the most serious threats to international peace and security, and that any acts of terrorism are criminal and unjustifiable, regardless of their motivation, wherever, whenever and by whomsoever committed.

"The Security Council further reaffirms the need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorist acts. The Council reminds States that they must ensure that any measures taken to combat terrorism comply with all their obligations under international law, in particular international human rights, refugee and humanitarian law.

"The Security Council reiterates its determination to combat all forms of terrorism, in accordance with its responsibilities under the Charter of the United Nations."

This statement will be issued as a document of the Security Council under the symbol S/PRST/2008/41.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 12.45 p.m.

United Nations S/PV.6010

Security Council

Sixty-third year

Provisional

6010th meeting

Wednesday, 5 November 2008, 10 a.m.
New York

President:	Mr. Urbina	(Costa Rica)
Members:	Belgium	Mr. Belle
	Burkina Faso	Mr. Koudougou
	China	Mr. La Yifan
	Croatia	Mr. Vilović
	France	Mr. Ripert
	Indonesia	Mr. Natalegawa
	Italy	Mr. Terzi di Sant'Agata
	Libyan Arab Jamahiriya	Mr. Ettalhi
	Panama	Mr. Arias
	Russian Federation	Mr. Dolgov
	South Africa	Mr. Kumalo
	United Kingdom of Great Britain and Northern Ireland	Sir John Sawers
	United States of America	Ms. DiCarlo
	Viet Nam	Mr. Le Luong Minh

Agenda

Reports of the Secretary-General on the Sudan

Report of the Secretary-General on the Sudan (S/2008/662)

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08-58804 (E)

The meeting was called to order at 10.10 a.m.

Expression of thanks to the retiring President

The President (*spoke in Spanish*): As this is the first meeting of the Security Council for the month of November, I should like to take this opportunity to pay tribute, on behalf of the Council, to His Excellency Mr. Zhang Yesui, Permanent Representative of the People's Republic of China to the United Nations, for his service as President of the Security Council for the month of October. I am sure I speak for all members of the Security Council in expressing deep appreciation to Ambassador Zhang for the great diplomatic skill with which he conducted the Council's business last month.

Adoption of the agenda

The agenda was adopted.

Reports of the Secretary-General on the Sudan

Report of the Secretary-General on the Sudan (S/2008/662)

The President (*spoke in Spanish*): In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Edmond Mulet, Assistant Secretary-General for Peacekeeping Operations.

It is so decided.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations. Members of the Council have before them document S/2008/662, which contains the report of the Secretary-General on the Sudan.

At this meeting, the Security Council will hear a briefing by Mr. Edmond Mulet, Assistant Secretary-General for Peacekeeping Operations. I now give him the floor.

Mr. Mulet: I thank you, Mr. President, for this opportunity to brief the Council on the status of the implementation of the Comprehensive Peace Agreement (CPA) between the National Congress Party (NCP) and the Sudan People's Liberation Movement (SPLM). In addition to introducing the report of the Secretary-General of 20 October (S/2008/662), I will provide an update on the most recent developments in the peace process.

As the report speaks for itself, I will limit myself to highlighting the key points. The first, and rather significant, point is that no major ceasefire violations have occurred during the reporting period, and the overall security situation remains relatively calm in Southern Sudan and the transitional areas, including Abyei. Overall, however, the status of CPA implementation remains a mixed picture of slow but continuing progress and a number of major outstanding challenges.

The parties have a common interest in keeping the CPA on track, as neither can afford to return to armed conflict. They cooperate on a host of issues and interact on a daily basis in government institutions and security mechanisms. Nevertheless, they continue to postpone and delay the implementation of the more difficult aspects of the CPA.

In regard to making unity attractive as called for under the CPA, the Council of States and the Southern Sudan Legislative Assembly held their first-ever joint session, in Juba, at which they affirmed the necessity of supporting the CPA and achieving comprehensive economic development for the entire country by making use of the vast resources of the Sudan. They also restated the significance of the popular consultations that will precede the 2011 referendum as well as of adhering to its final result.

The official launch of the Sudan People's Initiative, in an effort to seek a political settlement for Darfur, is a significant development that, if inclusive, could go a long way in addressing the concerns of Darfurians and could signal a new era in Sudanese politics. The Initiative, which has now been renamed the Sudan People's Forum (SPF), has formed seven committees dealing with various issues, including development and reconstruction, security and internally displaced persons (IDPs), refugees and voluntary returns, and is tasked with proposing means and mechanisms for handling the conflict in Darfur and other national issues. The SPF has received the final reports of all seven committees, and the Forum's Presidential Board should meet this week to discuss the reports and prepare final recommendations by the second week of November.

Preparations for and the holding of free and fair elections will be a major challenge. Despite the July passage of the electoral law, other preparations have made little progress. The nine-member National Elections Commission (NEC) has still not been formed; nor has the Political Parties Affairs Council, which is required for the registration of political parties.

However, there have been some positive developments. The Joint SPLM/NCP High-Level Political Committee has recently discussed the submission of six laws in the National Assembly for adoption at its current session, including the press and media law, the referendum act and the national security act, three long-awaited pieces of legislation that are vital for the holding of elections. It is hoped that the subcommittee will meet again on 15 November to review comments before submitting the draft laws to the High-level Committee for final endorsement.

During his visit to the Sudan in October, Under-Secretary-General for Peacekeeping Operations Alain Le Roy met in Juba with officials of the Government of Southern Sudan, who acknowledged that they would need to agree with the National Congress Party on a date for elections. For its part, the NCP has made clear that it expects the elections to take place on time, that is, before the July 2009 deadline. However, that target date falls in the middle of the rainy season, during which the preparation and holding of elections would be nearly impossible. In addition to significant logistical challenges that need to be addressed, massive voter education is required, particularly in the south, where illiteracy is high and where voters will be casting up to 12 ballots.

The situation in Abyei has improved considerably in recent months. Although implementation of the Road Map for the Return of Internally Displaced Persons and Implementation of the Abyei Protocol is behind schedule, important progress has been made, in particular on the security front. Troops from both sides have essentially withdrawn from the mutually agreed Road Map area, except from small pockets in the north and south. The newly formed Joint Integrated Unit (JIU) battalion has taken charge of security, with more deployments to follow. In addition, a joint integrated police unit is now patrolling and manning checkpoints in Abyei town. However, in order to sustain progress, the Government and the donor community must support the development of the rule of law in Abyei, particularly the judicial system, and address security and reconstruction needs.

Although the Abyei civilian administration has been appointed, it has not yet been deployed. Nevertheless, the relatively stable security situation in the Road Map area has encouraged displaced civilians to start returning to their homes. The United Nations Mission in the Sudan (UNMIS) now enjoys full freedom of movement within the Road Map area, enabling it to monitor the situation and providing it with the means to better predict and prevent conflict.

In another welcome development, on 28 October, the Permanent Court of Arbitration in The Hague announced the appointment of Pierre-Marie Dupuy as the Presiding Arbitrator of the Abyei Arbitration Panel, which will decide on the boundaries of the area, as called for by the Abyei Road Map Agreement. The parties now have six weeks to present oral arguments before the Panel and to submit written documentation by 12 December. The Panel is expected to issue its final decision by June 2009.

Demarcation of the 1 January 1956 border is a key element of CPA implementation and a determining factor for the division of oil wealth, the northern boundary of Abyei and final redeployment. Following a number of delays, it is still unclear when the Border Commission report will be issued. In any event, it would be important for the parties to start discussing possible future arrangements on border-related questions, regardless of the outcome of the referendum in 2011.

Recently, there have been a number of reports by external think tanks on the potential for conflict in Southern Kordofan, another of the three transitional areas straddling the border between the North and the South. While agreeing that the situation remains volatile, UNMIS also points to certain positive developments, including the recent opening of areas controlled by the Sudan People's Liberation Army that were previously closed. Given the continued precariousness of Southern Kordofan, the Mission is monitoring the situation closely and developing a conflict management strategy for all the transitional areas, which are likely to be the most volatile during the rest of the CPA interim period.

The request by the Prosecutor of the International Criminal Court for an arrest warrant against President Omer Al-Bashir has become a focus of political life in

the Sudan. It could have serious security and other implications for both UNMIS and the African Union-United Nations Hybrid Operation in Darfur and could potentially derail the CPA process. Nevertheless, UNMIS has continued to carry out its mandated tasks and will ensure that security measures are in place in the event of an indictment.

However, we are concerned about suggestions of an uncontrolled reaction to an indictment by the population against UNMIS. We are also concerned by statements of Government officials of an intention to expel United Nations staff members or Mission components that are thought to have cooperated with the International Criminal Court, even though they are performing their authorized functions, as directed by the Security Council. In that regard, we expect the Government to abide by the status-of-forces agreement and to ensure the safety, security and protection of United Nations premises and staff. We will be counting on the full support of the Council in that regard.

Since the previous report to the Council (S/2008/485), there has been significant progress in implementing the CPA, which has contributed to a normalization of the situation in many areas of the Sudan. As outlined in the current report, the general humanitarian situation in Southern Sudan and the transitional areas has seen very significant numbers of IDPs returning to their homes, and the focus is shifting to recovery and development. At the same time, however, there is an urgent need to focus on the issues that will enable the parties to achieve the referendum and ensure stability post-2011. That will require the parties to cooperate and compromise. While they will have to bear the brunt of the work, international assistance will remain vital in numerous areas, including in disarming, demobilizing and reintegrating parties and assisting in confidence-building, mediation, human rights and capacity-building.

The President (*spoke in Spanish*): I thank the Assistant Secretary-General for Peacekeeping Operations for his briefing.

I shall now give the floor to members of the Council.

Mr. Ettalhi (Libyan Arab Jamahiriya) (*spoke in Arabic*): At the outset, Sir, I would like to congratulate you on your assumption of the presidency of the Council for this month. We assure you of our constructive cooperation and we are confident of your successful management of the Council's affairs. I would also like to express our appreciation for the efforts of our colleague the Permanent Representative of China and his team and for the efficient manner in which they guided our proceedings last month.

We would also like to thank Mr. Edmond Mulet, Assistant Secretary-General for Peacekeeping Operations, for his briefing and for the optimism that he has expressed with regard to the prevailing situation.

Indeed, the report of the Secretary-General (S/2008/662) and Mr. Mulet's briefing are encouraging, as evidenced by Mr. Mulet's observation that there were no major violations of the ceasefire agreement during the reporting period and that implementation of the Comprehensive Peace Agreement (CPA) is slow, but steady. It is worth noting that there has been a noticeable improvement in the security situation in the area of operation of the United Nations Mission in the Sudan (UNMIS). The Abyei Road Map Agreement has continued to be implemented by the two sides under the supervision of the Mission. Moreover, the Joint Integrated Police Unit assumed its responsibilities in maintaining security after the departure of the forces of both sides from Abyei, and a Chief Administrator and a Deputy Administrator for the Abyei Interim Administration have been appointed. Internally displaced persons (IDPs) are returning to the city voluntarily. Although their return continues to be slow, it is, nevertheless, a positive indicator.

We have also noted a decrease in violence in Southern Kordofan among ethnic groups, a start to the integration of previously closed areas around Kauda and Julud, as well as the absorption of thousands of personnel of the Sudan People's Liberation Army (SPLA) into civil service departments and police structures, as stipulated by the CPA.

Also worth noting is the great progress in the redeployment of the Sudanese Armed Forces: 97 per cent of SAF personnel have been redeployed, according to UNMIS, although SPLA redeployment is still modest, barely exceeding 10 per cent. It is also encouraging to see estimates that 2.37 million refugees and IDPs have returned home since the signing of the CPA in 2005.

Furthermore, we would like to commend the progress in preparing for the elections, with the completion of the national census and adoption of an

electoral law. Moreover, discussions continue on the appointment of the members of the National Electoral Commission.

We believe that the disarmament, demobilization and reintegration programme is a very important element in implementing the CPA and in guaranteeing stability. Thus, we welcome the holding of a round-table conference for donors this month to discuss ways to fund that programme.

While those are all positive indicators that should be commended and welcomed, that does not mean that there are no challenges that require a great deal of effort on both sides. However, we are optimistic because of the spirit prevailing between the two parties and the fruitful cooperation that they have displayed.

We commend the efforts of UNMIS to implement the various aspects of its mandate, in particular training police units, demining and raising awareness about HIV/AIDS. We also wish to commend the ongoing cooperation between UNMIS and various United Nations entities as well as the link that it has established with the African Union Mission in the Sudan (AMIS) and with other missions: those in Darfur, the Central African Republic, the Democratic Republic of the Congo and Chad.

We welcome the Sudanese Government's appointment of a Special Prosecutor to investigate allegations of human rights abuses committed in Darfur since 2003. That is a positive step that the Security Council must take into account when assessing the existence of conditions conducive to progress in the peace process. Furthermore, we believe that the Sudan People's Forum, a national effort to resolve the Darfur crisis, could lead to practical measures that would help to resolve the crisis. We express our support for the Forum and call on the international community, represented by the Security Council, to support it in every way possible. We also commend the efforts of Mr. Djibril Bassolé, African Union-United Nations Joint Chief Mediator, to persuade all rebel factions to join the political settlement process in Darfur.

Last but not least, we agree with paragraph 81 of the report of the Secretary-General (S/2008/662), which states that

> "developments in the Sudan will be influenced to a large extent by the relevant activities of the International Criminal Court," — such as the indictment of President Al-Bashir — "and its actions could have the potential to profoundly affect the work of the United Nations in the Sudan, including humanitarian efforts, and the ongoing peace process in the Sudan".

Therefore, we call on the Security Council to heed that clear warning and, at the proper time, to take the necessary decision, namely, at a minimum, to activate article 17 of the Rome Statute of the International Criminal Court.

The President (*spoke in Spanish*): I shall now make a statement in my capacity as representative of Costa Rica.

I should like to begin by thanking Assistant Secretary-General Mulet for his briefing.

Although it is still necessary to move forward in implementing the Comprehensive Peace Agreement in the Sudan, particularly with regard to holding elections and a referendum and defining the terms for the distribution of oil revenues, my delegation welcomes the information about the progress made in implementing the Agreement.

With regard to the elections, we are pleased at the news that the Government of Southern Sudan has formally requested United Nations electoral assistance. We believe that this is an opportunity for the Organization to play an important role in helping the Southern Sudan authorities to ensure that the elections are free and fair. In that connection, we hope to receive further information once the needs assessment mission has been carried out.

Concerning the issue of Abyei, my delegation notes with satisfaction the news about the progress made in redeploying the forces that were in Abyei. However, it is important that the parties permit the report on Abyei to be finalized by the Ceasefire Joint Monitoring Commission so that measures can quickly be taken against those responsible for acts of violence and looting, in accordance with the conclusions set out in the report.

We agree with the Secretary-General that it is important that disarmament, demobilization and reintegration programmes be successfully implemented as a confidence-building measure. We regard as especially important the point made by the Secretary-General that confidence-building between the parties

should lead to a sustainable downsizing of military capabilities to the benefit of social expenditure. As everyone knows, that is a view that my country supports, and it is on precisely that issue that we are convening the high-level Security Council event on 19 November.

We welcome the news regarding the reintegration by UNICEF and the United Nations Mission in the Sudan (UNMIS) of 88 child soldiers and the pardon granted by the Government of the Sudan to 99 children who were arrested following the disturbances in Omdurman. My delegation recognizes the efforts of the Government of the Sudan with respect to the situation of children, but we cannot fail to mention our concern at knowing that there are still many child prisoners, a number of whom have been condemned to death.

My delegation regrets that, as the Secretary-General's report informs us, senior Sudanese officials have warned of possible grave consequences for UNMIS should an indictment against President Al-Bashir be handed down. In that connection, Costa Rica would like to recall that the Government of the Sudan must respect the independence of the judicial process and assist UNMIS in carrying out its mandate.

Finally, my delegation supports the Secretary-General's recommendation that the Security Council consider holding a thorough debate on provisions related to the protection of civilians in imminent danger. We have listened to and share the concerns repeatedly raised by the Department of Peacekeeping Operations, troop-contributing countries and the humanitarian community regarding the lack of clarity in civilian protection mandates. We believe that it is now time that the Council, together with the Secretariat and the General Assembly, in particular the Special Committee on Peacekeeping Operations, develop clear civilian protection guidelines that can be translated into realistic standards applicable to peacekeeping troops in combat situations. We hope that the forthcoming debate on the protection of civilians, to be held in December, will serve as an opportunity to discuss that important issue.

I now resume my functions as President of the Security Council.

There are no further speakers on my list. In accordance with the understanding reached in the Council's prior consultations, I now invite Council members to interactive and action-oriented informal consultations to continue our discussion of the subject.

The meeting rose at 10.40 a.m.

United Nations S/PV.6011

Security Council

Sixty-third year

Provisional

6011th meeting

Thursday, 6 November 2008, 10 a.m.

New York

President:	Mr. Urbina	(Costa Rica)
Members:	Belgium	Mr. Belle
	Burkina Faso	Mr. Tiendrébéogo
	China	Mr. Liu Zhenmin
	Croatia	Mr. Jurica
	France	Mr. Ripert
	Indonesia	Mr. Natalegawa
	Italy	Mr. Terzi di Sant'Agata
	Libyan Arab Jamahiriya	Mr. Ettalhi
	Panama	Mr. Arias
	Russian Federation	Mr. Rogachev
	South Africa	Mr. Kumalo
	United Kingdom of Great Britain and Northern Ireland	Ms. Pierce
	United States of America	Ms. DiCarlo
	Viet Nam	Mr. Le Luong Minh

Agenda

Election of five members of the International Court of Justice (S/2008/502, S/2008/503 and Add.1 and 2 and S/2008/504)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

08-59012 (E)

The meeting was called to order at 10.20 a.m.

Adoption of the agenda

The agenda was adopted.

Election of five members of the International Court of Justice (S/2008/502, S/2008/503 and Add.1 and 2 and S/2008/504)

The President (*spoke in Spanish*): The Security Council will now proceed to the election of five members of the International Court of Justice, in accordance with Article 13 of the Statute of the International Court of Justice, to fill the five seats which will become vacant on 5 February 2009 on the expiry of the terms of office of the following Judges: Judge Ronny Abraham (France), Judge Awn Shawkat Al-Khasawneh (Jordan), Judge Rosalyn Higgins (United Kingdom of Great Britain and Northern Ireland), Judge Gonzalo Parra-Aranguren (Bolivarian Republic of Venezuela) and Judge Raymond Ranjeva (Madagascar).

The list of candidates indicating the national groups by which each candidate was nominated is contained in documents S/2008/503 and Add.1 and Add.2. In that connection, I should like to draw the attention of members to the note by the Secretary-General contained in document S/2008/503/Add.2, in which he reports that the national group of Colombia decided to withdraw its nomination of Mr. Rafael Nieto Navia as a candidate. Since Mr. Nieto Navia was nominated only by the national group of Colombia, his name is not included on the ballot papers.

I should like to inform the members of the Council that I have received a letter addressed to me by the Legal Counsel, dated 4 November 2008, informing me, on behalf of the Secretary-General, that after the established deadline for the filing of nominations, namely 30 June 2008, several national groups submitted nominations to the Secretariat. I should like to draw members' attention to the fact that all such additional nominations relate to candidates already nominated by other national groups, whose names therefore already appear in documents S/2008/503 and Add.1 and Add.2. The Legal Counsel recommended that, in accordance with established practice, I inform Council members orally on the day of the election about the decisions of the aforementioned national groups. I am also informed that the Legal Counsel made a similar recommendation to the President of the General Assembly.

The nominations of the aforementioned national groups are as follows: for Mr. Ronny Abraham, Italy, the Russian Federation and Uruguay; for Mr. Awn Shawkat Al-Khasawneh, Italy, Paraguay and Uruguay; for Mr. Antônio Augusto Cançado Trindade, Chile, El Salvador, Paraguay, Spain and Uruguay; for Mr. Christopher Greenwood, Italy and the Russian Federation; and for Mr. Abdulqawi Ahmed Yusuf, Italy and Uruguay.

The Security Council has before it a memorandum by the Secretary-General contained in document S/2008/502, describing the present composition of the Court and setting out the procedure to be followed in the conduct of the election.

I should like to remind the Council that under Article 10, paragraph 1, of the Statute of the International Court of Justice,

> "Those candidates who obtain an absolute majority of votes in the General Assembly and in the Security Council shall be considered as elected."

The required majority in the Security Council is eight votes.

If, in the first ballot, the number of candidates obtaining an absolute majority is less than five, then pursuant to rule 61 of the provisional rules of procedure of the Security Council, the Council will proceed to a second ballot on the remaining vacancies. Balloting will continue in the same manner until five candidates have obtained the required majority of votes.

If, on the other hand, more than five candidates obtain the required majority, according to established practice and as set forth in paragraph 13 of the Secretary-General's memorandum, a new vote will be held on all the candidates. That rule will also apply to any subsequent ballots if the number of candidates obtaining the absolute majority is greater than the number of vacancies remaining.

The voting will be held by secret ballot. When we proceed to the vote, members of the Council will receive a ballot containing the names of all the candidates. No candidacy withdrawal will be accepted once the ballot papers have been distributed. However,

it will be possible to withdraw a candidacy between ballots.

Members of the Council will be requested to place an "X" in the boxes next to the names of the candidates for whom they wish to vote. Only those candidates whose names appear on the ballot are eligible for election.

I should like to remind members of paragraph 10 of the Secretary-General's memorandum (S/2008/502), which specifies that "Each elector may vote for not more than five candidates on the first ballot". Any ballot paper containing votes for more than five names will be considered invalid.

I should like to inform Council members that, in accordance with established practice, the ballot papers in the Security Council will not be counted until it has been verified that the ballot papers in the General Assembly have also been collected. The Council will remain in session pending the receipt of that information.

Only when five candidates have obtained the required majority of votes in the Security Council shall I communicate the result to the President of the General Assembly. I shall request the Council to remain in session, pending the receipt from the President of the General Assembly of the result of the voting in the Assembly.

The Council will now proceed to draw lots to select two delegations to serve as tellers.

The delegations of France and the United Kingdom of Great Britain and Northern Ireland will not be considered to serve as tellers because candidates of those two nationalities have been nominated. Because my delegation this month occupies the Council presidency, it will also be excluded from serving as a teller.

In this box are the names of the 12 other delegations that can serve as tellers. I will now draw two.

The delegations of China and Belgium have been chosen. I invite those delegations to appoint one of their members to serve as teller.

At the invitation of the President, Mr. Zhou Yong (China) and Mr. Van Kemseke (Belgium) acted as tellers.

The President (*spoke in Spanish*): May I take it that the Council is now ready to proceed with the election of five members of the International Court of Justice?

It is so decided.

We will now take a brief pause to inform the President of the General Assembly that the Council is ready to vote.

* * *

The President (*spoke in Spanish*): I have been told that in the General Assembly ballot papers have already been distributed. I request the conference officer to distribute ballot papers in the Security Council.

I remind members to place an "X" in the boxes next to the names of the five candidates for whom they wish to vote.

* * *

The President (*spoke in Spanish*): I take it that all the members of the Council have now voted. I ask the conference officer to collect the ballot papers.

* * *

The President (*spoke in Spanish*): All the ballot papers have been collected. I should like to remind the Council that, in accordance with the established practice, the ballots will not be counted until it has been verified that the ballot papers in the General Assembly have also been collected. The Council will remain in session pending the receipt of that information.

* * *

The President (*spoke in Spanish*): I have been informed that the ballot papers have been collected in the General Assembly.

The counting of the ballots in the Security Council will now begin. I would like to remind Council members that, in accordance with the established practice, I must wait for the counting to be finished in the General Assembly before I announce the results of the voting in the Security Council.

The tellers will be counting the ballots. As agreed in our consultations, there will be two independent countings of the ballots.

I understand as well that the President of the General Assembly has proposed that the Assembly suspend its meeting until 11.30 a.m., when it will resume. I propose that, with the consent of the members of the Council, we do the same, and that we return here in 45 minutes, at 11.30 a.m.

There being no objection, it is so decided.

The meeting was suspended at 10.50 a.m. and resumed at 11.40 a.m.

The President (*spoke in Spanish*): Given that the procedure that governs the election presumes that the results of the votes will be announced in the General Assembly and in the Security Council at the same time, we are waiting for the Assembly to confirm to us that they are also ready to read out the results.

It is a matter of just one or two minutes, and I would ask members to be patient.

* * *

The President (*spoke in Spanish*): I wish to inform the Council that five candidates obtained an absolute majority in its first vote. The result of the voting in the Security Council is as follows:

Number of ballot papers:	15
Number of invalid ballots:	0
Number of valid ballots:	15
Required majority:	8
Number of votes obtained:	
Mr. Ronny Abraham	13
Mr. Awn Shawkat Al-Khasawneh	13
Mr. Sayeman Bula-Bula	1
Mr. Antônio Augusto Cançado Trindade	14
Ms. Miriam Defensor-Santiago	5
Mr. Christopher Greenwood	15
Mr. Maurice Kamto	6
Mr. Abdulqawi Ahmed Yusuf	8

Accordingly, the five candidates who obtained the required majority of votes in the Security Council are Mr. Ronny Abraham, Mr. Awn Shawkat Al-Khasawneh, Mr. Antônio Augusto Cançado Trindade, Mr. Christopher Greenwood and Mr. Abdulqawi Ahmed Yusuf. I have communicated the result of the voting to the President of the General Assembly in writing.

I wish to inform the Council that I have just received from the President of the General Assembly the following letter:

> "I am writing to inform you that at the 39th plenary meeting of the General Assembly, which was held today for the purpose of electing five members of the International Court of Justice, the following five candidates received an absolute majority of votes in the General Assembly: Mr. Ronny Abraham, Mr. Awn Shawkat Al-Khasawneh, Mr. Antônio Augusto Cançado Trindade, Ms. Miriam Defensor-Santiago and Mr. Christopher Greenwood."

As both the Security Council and the General Assembly have agreed on four candidates, the jurists Mr. Ronny Abraham, Mr. Awn Shawkat Al-Khasawneh, Mr. Antônio Augusto Cançado Trindade and Mr. Christopher Greenwood have been elected to the International Court of Justice for a period of nine years, beginning on 6 February 2009. I should like to congratulate them warmly and to wish them every success in the high office to which they have been elected.

As a result of the voting that has taken place in the Security Council and in the General Assembly, four members of the Court have been duly elected. In accordance with Article 11 of the Statute of the Court, the Council will now proceed to hold a second meeting to elect a candidate by further ballots for the seat remaining to be filled. Accordingly, I shall adjourn this meeting, and call to order the second meeting to elect a candidate by further ballot, after a brief recess to allow for the preparation of new ballots.

The meeting was adjourned at 12.05 p.m.

United Nations S/PV.6012

Security Council

Sixty-third year

Provisional

6012th meeting

Thursday, 6 November 2008, 12.40 p.m.

New York

President:	Mr. Urbina	(Costa Rica)
Members:	Belgium	Mr. Belle
	Burkina Faso	Mr. Tiendrébéogo
	China	Mr. Liu Zhenmin
	Croatia	Mr. Jurica
	France	Mr. De Rivière
	Indonesia	Mr. Natalegawa
	Italy	Mr. Terzi di Sant'Agata
	Libyan Arab Jamahiriya	Mr. Ettalhi
	Panama	Mr. Suescum
	Russian Federation	Mr. Rogachev
	South Africa	Mr. Kumalo
	United Kingdom of Great Britain and Northern Ireland	Sir John Sawers
	United States of America	Ms. DiCarlo
	Viet Nam	Mr. Le Luong Minh

Agenda

Election of five members of the International Court of Justice (S/2008/502, S/2008/503 and Add.1 and 2 and S/2008/504)

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08-59064 (E)

The meeting was called to order at 12.40 p.m.

Adoption of the agenda

The agenda was adopted.

Election of five members of the International Court of Justice (S/2008/502, S/2008/503 and Add.1 and 2 and S/2008/504)

The President (*spoke in Spanish*): In accordance with Article 11 of the Statute of the International Court of Justice, the Council will now hold a second meeting to elect a member of the International Court of Justice through a new vote, in order to fill the remaining position.

At the invitation of the President, Mr. Zhou Yong (China) and Mr. Van Kemseke (Belgium) acted as tellers.

The President (*spoke in Spanish*): I understand that the Council is now ready to proceed to the vote.

It is so decided. I ask the conference officer to distribute the ballot papers.

Members of the Council should place an "X" in the box next to the name of the candidate for whom they wish to vote.

I remind the Council members that they can only vote for the candidates whose names appear on the ballots and that ballots that contain votes for more than one candidate will be considered invalid.

* * *

The President (*spoke in Spanish*): I take it that all members of the Council have now marked their ballots. I ask the conference officer to collect the ballot papers.

* * *

The President (*spoke in Spanish*): All the ballot papers have been collected, and we will now proceed to count the votes in the Security Council.

I understand that the President of the General Assembly has proposed that the Assembly suspend its meeting in order to proceed to the counting of the votes from the second round of voting.

I propose, with the consent of the Council, to suspend this meeting until 12.55 p.m. If there are no objections, I shall take it that the Council agrees.

The meeting was suspended at 12.50 p.m. and resumed at 1.10 p.m.

The President (*spoke in Spanish*): I wish to inform the Security Council that one candidate obtained a majority in the Council's second vote.

I have been informed that, in the second vote in the General Assembly, no candidate has obtained an absolute majority. The President of the Assembly has proposed that the Assembly meet again at 3 p.m., when a third round of voting will take place in the Assembly.

Given that the Assembly will have to carry out a new vote, I propose that the Council proceed in the same fashion and resume this meeting at 3.30 p.m. since the Council does not need to carry out a third round of voting until the General Assembly has a candidate who has obtained a majority.

The President of the General Assembly will inform me of the candidate who has obtained a majority in the Assembly. If it is the same candidate who obtained a majority in the Council's second round of voting, that candidate will have been elected.

If the candidate who obtains the majority in the General Assembly is different from the candidate who obtained a majority in the Security Council, both the Council and Assembly will vote again.

We must wait for a candidate to obtain a majority in the Assembly and for the President of the Assembly to inform me of that fact. I will then see if it is the same person or not, and at that time we will decide on a course of action.

If the members of the Council agree, we will reconvene at 3.30 p.m. I see no objection.

It is so decided.

The meeting was suspended at 1.15 p.m. and resumed at 3.45 p.m.

The President (*spoke in Spanish*): As members of the Security Council will recall, the President of the General Assembly proposed that the Assembly reconvene at 3 p.m. in order to conduct a third ballot to fill the remaining one vacancy for the International Court of Justice. I have been informed that the ballots in the Assembly have now been counted, that once again no candidate has received an absolute majority and that the Assembly will now proceed to a fourth ballot. Members will also recall that, in the second

ballot in the Security Council this morning, one candidate for the remaining one vacancy received an absolute majority. Accordingly, the Council is not required to conduct a further ballot at this time.

I propose that, with the consent of Council members, we suspend the meeting until 4.15 p.m. to await the results of the fourth ballot in the General Assembly.

There being no objection, it is so decided.

The meeting was suspended at 3.50 p.m. and resumed at 6 p.m.

The President (*spoke in Spanish*): As members of the Council will recall, the General Assembly conducted a fourth ballot to fill the remaining one vacancy for the International Court of Justice. I have been informed that, in the General Assembly, the representative of the Democratic Republic of the Congo informed the Assembly that his national group had decided to withdraw its nomination of Mr. Sayeman Bula-Bula as a candidate for membership of the Court. Since Mr. Bula-Bula had been nominated only by the national group of the Democratic Republic of the Congo, his name was not included in the fourth ballot conducted by the General Assembly.

I have been informed that the votes have been counted in the General Assembly and that one candidate has obtained an absolute majority.

Members of the Council will recall that in the second ballot in the Security Council this morning, one candidate for the remaining one vacancy received an absolute majority. The result of the second ballot is as follows:

Number of ballot papers:	15
Number of invalid ballots:	0
Number of valid ballots:	15
Required majority:	8

Number of votes obtained:

Mr. Sayeman Bula-Bula	0
Ms. Miriam Defensor-Santiago	2
Mr. Maurice Kamto	5
Mr. Abdulgawi Ahmed Yusuf	8

Accordingly, Mr. Abdulqawi Ahmed Yusuf has received the required majority of votes in the Security Council and I have communicated the result of the vote to the President of the General Assembly in writing.

I should like to inform the members of the Council that I have just received from the President of the General Assembly the following letter:

> "I have the honour to inform you that at the 40th plenary meeting of the General Assembly, which was held today for the purpose of electing five members of the International Court of Justice, the following candidate received the required majority of votes in the General Assembly: Mr. Abdulgawi Ahmed Yusuf."

As both the Security Council and the General Assembly have agreed on the same candidate, the distinguished jurist Mr. Abdulgawi Ahmed Yusuf has been elected a member of the International Court of Justice for a term of office of nine years, beginning on 6 February 2009.

On behalf of the Security Council, I should like to congratulate the five candidates elected today — Mr. Ronny Abraham, Mr. Awn Shawkat Al-Khasawneh, Mr. Antônio Augusto Cançado Trindade, Mr. Christopher Greenwood and Mr. Abdulqawi Ahmed Yusuf — and to wish them every success in the high office to which they have been elected.

Also on behalf of the Council, I would like to thank the tellers for their assistance in the conduct of the elections.

The Security Council has thus concluded its consideration of the item on its agenda.

The meeting rose at 6.10 p.m.

United Nations S/PV.6013

Security Council

Sixty-third year

Provisional

6013th meeting

Friday, 7 November 2008, 3 p.m.
New York

President:	Mr. Weisleder	(Costa Rica)
Members:	Belgium	Mr. Belle
	Burkina Faso	Mr. Tiendrébéogo
	China	Mr. Liu Zhenmin
	Croatia	Mr. Skračić
	France	Mr. Lacroix
	Indonesia	Mr. Natalegawa
	Italy	Mr. Mantovani
	Libyan Arab Jamahiriya	Mr. Ettalhi
	Panama	Mr. Arias
	Russian Federation	Mr. Dolgov
	South Africa	Mr. Kumalo
	United Kingdom of Great Britain and Northern Ireland	Ms. Pierce
	United States of America	Mr. Wolff
	Viet Nam	Mr. Bui The Giang

Agenda

Letter dated 22 November 2006 from the Secretary-General addressed to the President of the Security Council (S/2006/920)

Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process (S/2008/670)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

08-59080 (E)

The meeting was called to order at 3.05 p.m.

Adoption of the agenda

The agenda was adopted.

Letter dated 22 November 2006 from the Secretary-General addressed to the President of the Security Council (S/2006/920)

Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process (S/2008/670)

The President (*spoke in Spanish*): I should like to inform the Council that I have received a letter from the representative of Nepal in which he requests to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Acharya (Nepal) took a seat at the Council table.

The President (*spoke in Spanish*): In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Ian Martin, Special Representative of the Secretary-General in Nepal and head of the United Nations Mission in Nepal.

It is so decided.

I invite Mr. Martin to take a seat at the Council table.

The Security Council will now begin its consideration the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations. Members of the Council have before them the report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process, document S/2008/670.

At this meeting, the Security Council will hear a briefing by Mr. Ian Martin, Special Representative of the Secretary-General in Nepal and head of the United Nations Mission in Nepal. I now give the floor to Mr. Martin.

Mr. Martin: Last Friday and Saturday, Secretary-General Ban Ki-moon visited Nepal. He had hoped to open this briefing personally, but the Council well understands the urgent reasons for the travel that prevents him from doing so.

In addressing members of the Constituent Assembly, the election of which represents the central achievement to date of the peace process and which bears the crucial responsibility of drafting a federal constitution for the new republic, the Secretary-General offered congratulations on the historic transformation the country has undergone. He said that the Assembly was the most inclusive legislative body in the country's history and proof of remarkable progress driven by the people of Nepal. He said that the political transformation must go hand in hand with social and economic transformation. Steady progress in the peace process will ensure international support.

When I last briefed the Council, the political parties were divided over the election of the first President of the republic. The report before the Council (S/2008/670) describes the process by which the Constituent Assembly, which also acts as the Legislature-Parliament, elected a President, a Vice-President and a Prime Minister and the long negotiations that led to the formation of a coalition Government, led by the Communist Party of Nepal (Maoist) (CPN (M)) as the largest party and comprising two others of the four largest parties, but with the Nepali Congress remaining in opposition.

Prime Minister Pushpa Kamal Dahal "Prachanda" describes the three priorities of the Government he heads as: completing the peace process; ensuring the drafting of the new constitution; and achieving rapid economic progress. In each of those, it faces major challenges. The mandate of the United Nations Mission in Nepal (UNMIN), as extended by the Council for a further six months in July (see resolution 1825 (2008)), relates directly only to a key aspect of the first challenge, that of completing the peace process, with particular reference to the management of arms and armies.

In briefing the Council on 18 July (see S/PV.5938), I was frank in expressing concern about how rapidly the new Government would be able to

move forward in implementing the agreement reached among political parties on 25 June regarding the completion of the peace process. That, I said, would depend greatly on the degree of multiparty cooperation that survived the disagreements at that time over the sharing of posts. I regret to say that that concern is proving to be well founded, and the political actors are not finding it easy to move forward together.

The foremost outstanding issue of the peace process, in addition to the drafting of the new constitution, is the transition from the current temporary arrangements for monitoring the management of arms and armies, which have now been in existence for almost two years, to decisions regarding the future of the Maoist army combatants. Their integration and rehabilitation were to have been completed within six months of the formation of the new Government, more or less coinciding with the additional six months for which a continuing presence of UNMIN was requested. The key requirement for resolving that issue is the effective functioning of the special committee responsible for the supervision, integration and rehabilitation of the former Maoist combatants, prescribed by the Comprehensive Peace Agreement and enshrined in article 146 of the interim constitution.

That committee was first established in mid-2007 by the Nepali Congress-led Government, but met only once. In the 25 June agreement, the parties recommitted themselves to proceeding by way of that committee and further defined how it should go about its task. They also agreed that it should not be confined to the parties forming the coalition Government, but should comprise major parties represented in the Constituent Assembly, thus obviously including the Nepali Congress.

The Secretary-General, UNMIN and concerned Member States have all urged the early establishment of the special committee. On 28 October, the Government announced its establishment, which was welcomed by the Secretary-General during his visit. However, the Nepali Congress has so far refused to name a representative to the committee, maintaining that consultation regarding its establishment was inadequate and objecting to the composition and terms of reference announced by the Government. Meanwhile, parties other than the four largest parties are claiming representation. Negotiations are currently taking place to try to resolve those issues.

I trust that those negotiations will soon be successful, but the task of the special committee, once it begins to function, will not be an easy one. Widely differing views have been expressed among parties, and sometimes within them, regarding the extent to which Maoist army combatants should or should not be integrated into the State army, and in what manner. Views inside the Maoist party and army, including about whether to argue for integration on a group or individual basis, are to be debated in a major national gathering of their cadres in late November.

On the other hand, the Madhesi parties are particularly concerned to see the implementation of the commitment to increase Madhesi representation in the Nepal Army. The CPN (M) is concerned not only about the future of its own combatants, but also about pursuing the parallel commitment in the Comprehensive Peace Agreement to the democratization of the Nepal Army, including determining its appropriate size, training the army in the values of democracy and human rights, ensuring its democratic structure and building its national and inclusive character. Integration of Maoist combatants is raising the issue of the exclusion of those responsible for violations of human rights and humanitarian law. That, in turn, will draw attention to the failure of the State security forces to take effective action against those within their ranks responsible for such violations, which continues to be a major concern of the Office of the United Nations High Commissioner for Human Rights in Nepal.

As yet, the debate regarding those issues has been little informed by consideration of international experience, but the proposed terms of reference of the special committee envisage that it would invite input from Government security agencies, Maoist combatants, UNMIN and other security experts, as required, and would be supported by a technical committee with the involvement of relevant experts.

The functioning of the special committee is also essential to UNMIN's objective of simplifying its monitoring responsibilities and further reducing its number of arms monitors, as the committee will become responsible for the supervision of the Maoist army while the nature of integration and rehabilitation is being decided.

However, the discharge from the Maoist army cantonments of some 4,000 personnel disqualified by

UNMIN's verification, because they were under 18 years of age in May 2006 or recruited after that date, is not dependent on the special committee and is long overdue. Ever since verification was completed, early this year, the United Nations has called repeatedly for discharge without delay and has offered to assist with the reintegration of those involved. In recent weeks, senior Maoist army commanders have been holding meetings at the cantonments to prepare the ground for discharge, and the new Minister of Peace and Reconstruction has engaged UNMIN and United Nations agencies regarding his proposals for supporting their orderly reintegration and his intention to formally request United Nations assistance. During his visit, the Secretary-General called on the Government to move quickly on the discharge, and that same call has been made, as regards minors, by the Special Representative of the Secretary-General for Children and Armed Conflict, who expects to visit Nepal in early December.

I have dwelt on those matters because they are at the core of UNMIN's remaining responsibility and because of the desire we share with the Council to bring UNMIN's mandate to completion as soon as possible. The Secretary-General wishes to draw down further and close the Mission, in a manner that does not jeopardize the peace process, but ensures continuing international support to consolidating peace in Nepal. In meetings with the Secretary-General in late September, during the General Assembly, and a week ago in Kathmandu, Prime Minister "Prachanda" expressed his view that the UNMIN presence at the cantonments would remain necessary pending integration and rehabilitation, and that UNMIN should coordinate international advice and support to that process. The realistic timetable for that process will be for the special committee to consider once it begins functioning, but even under the most optimistic assumptions it cannot now be expected to end by January, within the current mandate of UNMIN.

The Secretary-General asked that if a further extension is to be requested by the Government, that request should be made as soon as possible, so that he could put it to the Council. We envisage that any recommendation to the Council in response to such a request would be for a substantially smaller presence. But I am sure that members of the Council will agree with the observation in the report of the Secretary-General that experience in various countries has demonstrated the dangers of failing to address successfully the issue of former combatants and the risks that that can pose to durable stability. That key aspect of the completion of the peace process and the need for cooperation among Nepal's political parties must be seen in the wider context of the implementation of commitments.

Past reports of the Secretary-General and my briefings have noted the weak implementation of peace process commitments during the interim Government, prior to the Constituent Assembly election. The 25 June agreement reiterated many of those commitments, as have statements by ministers of the new Government. But commissions provided for in the agreements are yet to be formed, and commitments to compensation for victims of the conflict, to investigations into the fate of those who disappeared, to the return of displaced persons and of property seized during the conflict and to ensuring that the youth groups of political parties remain within the law need to move beyond rhetoric into practical measures to put them into effect. The Madhesi parties also demand the fulfilment of pledges made to them for greater inclusion.

While fully respecting that the process has always been and remains Nepali-driven, the United Nations, through United Nations agencies as well as UNMIN, has repeatedly offered its support in the implementation of peace process commitments and is continuing to do so. The United Nations Development Programme is providing major assistance to the process of constitution-making, and the $10 million made available by the Secretary-General from the Peacebuilding Fund is being programmed to support key areas of peace support.

In his report, the Secretary-General notes positively the commitment of the Nepali Congress to cooperation in the drafting of the new constitution and completion of the peace process, as well as the commitments of the Maoist-led Government to multiparty democracy and the protection and promotion of human rights. Those too are commitments which need to be fully reflected in practice.

In his public remarks in Nepal, the Secretary-General expressed his confidence that the parties could minimize potential rifts through dialogue and compromise. He called on all parties in the coalition

Government to maintain cohesion, while continuing to work with parties outside the Government in a spirit of cooperation, and he hoped that the Nepali Congress would continue participating in key decisions. He stressed that the parties are accountable to the Nepali people in helping to complete and consolidate peace. Such cooperation is essential not only for addressing the difficult issue of arms and armies and for completing the peace process, and not only for reaching sufficient consensus on a federal constitution, but also for the economic development essential to consolidating peace.

Nepal urgently needs effective local as well as national governance. The new Government has ambitious plans for better access to education, to health care and to employment opportunities for young people. It is appealing for increased levels of international assistance to support those plans. The United Nations country team is preparing to play its part. Our aim is the earliest possible completion of UNMIN's mandate, but also the sustained and intensified support of the United Nations system and the international community to the peace, development and change which the people of Nepal have demanded.

The President (*spoke in Spanish*): I thank Mr. Martin for his briefing and for his update on the situation on the ground and on the situation of the United Nations Mission in Nepal.

I now give the floor to the representative of Nepal.

Mr. Acharya (Nepal): First, I would like to express my sincere gratitude to you, Sir, and to the other members of the Council for yet another opportunity to discuss United Nations support for Nepal's indigenous peace process, which has made miraculous achievements over a short span of time. I would like to thank Mr. Ian Martin, Special Representative of the Secretary-General in Nepal, for his comprehensive presentation today. I would like to take this opportunity to express our sincere appreciation to Mr. Martin and his team in the United Nations Mission in Nepal (UNMIN) for their excellent work in executing the mandate of the Council to meet Nepal's request in certain aspects of the peace process. We appreciate the report of the Secretary-General on United Nations support of the peace process (S/2008/670).

On behalf of the Government of Nepal, I would like to take this opportunity to express our sincere gratitude to the Secretary-General, His Excellency Mr. Ban Ki-moon, for his recent visit to Nepal and his continuous support for the peace process.

Nepal has witnessed historic political transformation through the peace process. The signing of the Comprehensive Peace Agreement, successful elections to the Constituent Assembly, the declaration of Nepal as a federal democratic republic and the formation of the coalition Government under the leadership of the Communist Party of Nepal (Maoist) are changes of historic proportions which our peace process has achieved quickly, smoothly, democratically and peacefully.

Nepal's peace process is unique in its characteristics and is based on multiparty democracy, inclusiveness, accommodation, dialogue and recognition of the people as the ultimate arbiter. Our peace process is a truly original and creative innovation of the Nepalese people and its political leadership. One of the keys to its success lies in national ownership of the entire political process. The political leadership across the board has taken into account the broader aspirations of the Nepalese people, who have voiced their choice for peace and democracy. The leadership has demonstrated a spirit of true accommodation, dialogue and respect for the choice of the people in arriving at all key decisions.

Yet another key to our success is the inclusiveness of the political process. After the signing of the Comprehensive Peace Agreement, several other agreements were concluded with a view to bringing into the national mainstream the most inclusive possible participation by the representatives of the people in all their ethnic and geographic diversity. I am proud to say that Nepal's Constituent Assembly is one of the most inclusive assemblies that has ever been elected to write a constitution anywhere in the world. Nepal's Constituent Assembly has the widest representation of women, ethnic groups and indigenous peoples, Madhesis, Dalits and people from rural areas, who have traditionally remained marginalized.

We have also advanced this far by placing the verdict of the people at the core of all decisions made to date. That was the basis of the declaration of Nepal as a federal democratic republic, the abolition of its 240-year-old monarchy and the formation of the

Government under the leadership of an erstwhile rebel party, which has itself undergone a huge transformation from an insurgent movement into a leading democratic political force.

The current Government is committed to working together with all political parties represented in the Constituent Assembly in writing a new constitution of the federal democratic republic within the stipulated time frame of two years. As part of that process, the Constituent Assembly is finalizing its rules of procedure and is expected to start the drafting process soon.

The Government is also committed to bringing the peace process to a logical conclusion by resolving all of the remaining issues in a spirit of dialogue and accommodation and in accordance with the Comprehensive Peace Agreement. It has already constituted the special committee to finalize issues of the integration and rehabilitation of former rebel combatants who are in cantonments monitored by the United Nations Mission. The special committee is expected to reach its decision on the issue soon.

Among other things, the United Nations Mission in Nepal was mandated to monitor the cantonments and assist in the peace process through arms management. It is our view that the presence of UNMIN will not be required after this process is completed. If the process extends beyond the end of the current mandate on 23 January 2009, the Government, in consultation with the special committee and the political parties, may request an extension of the mandate of the Mission as soon as such a decision is reached. In such a situation, the presence of UNMIN, which has been significantly downsized already, may be required for a maximum period of another six months with further adjustments, with a view to allowing it to came to an end by that time.

In that regard, we have taken note of the report of the Secretary-General regarding consolidation of cantonments. The special committee, which is mandated to look after the comprehensive issues of arms management, is yet to begin its work formally and is yet to take a decision in that regard. Such consolidation or rearrangement would be likely to unnecessarily complicate the process and exacerbate the already poor infrastructure and facilities in the cantonments. It could also unwittingly prolong the process of integration and rehabilitation, which is key to the logical conclusion of the peace process. Those and other issues will be taken into consideration by the special committee in adopting its decision on the process of integration and rehabilitation. The Government is committed to taking measures to accelerate the implementation of the decisions of the Special Committee so that UNMIN can complete its tasks in accordance with the mandate of this Council.

In conclusion, I take this opportunity to thank each one of you individually and the Council collectively for the continued support and understanding of Nepal's requests in relation to the peace process.

The President (*spoke in Spanish*): I thank the representative of Nepal for his statement. I will now make a statement in my capacity as the representative of Costa Rica.

I thank Mr. Ian Martin for his briefing and the Permanent Representative of Nepal for his statement.

My delegation welcomes the report of the Secretary-General on the United Nations Mission in Nepal (UNMIN). We also welcome the positive news on the progress in peacebuilding and the consolidation of democracy in Nepal. In particular, we welcome the commitment of the new authorities to promoting and protecting human rights and to combating discrimination in all its forms, as well as the progress achieved to date in mine clearance and the destruction of improvised explosive devices. We are also encouraged by the statements by the Secretary-General on the progress he observed on the ground during his recent visit to the country.

Within this positive outlook, there are some pending questions that are of concern to my delegation, which I will proceed to outline now. We hope that the recent establishment of the new Government will enable substantial progress to be made in the process of bringing to justice those individuals who committed crimes during the armed conflict. My delegation has reiterated in various forums that the building of a lasting peace requires, as a necessity, the application of justice based on law, which will make national reconciliation possible. In this context, we support the intention of the Government of Nepal to establish a truth and reconciliation commission and another commission to investigate the whereabouts of disappeared persons. In general, we support all the

actions that have been taken to strengthen the rule of law.

We also urge the Nepalese Constituent Assembly to do its very best to achieve agreements and move forward in drafting the new constitution. In addition, the relatively slow progress of the process of disarmament, demobilization and reintegration of the Maoist army is a matter of concern, particularly in respect to the discharge of minors. We repeat the appeal made by the Special Representative and urge the immediate release of all minors who have not yet been discharged. We also hope that the resources provided by the Peacebuilding Fund and the World Bank will make it possible to speed up the process of disarmament, demobilization and reintegration. In this context of pending issues in the areas of disarmament, demobilization and reintegration, within which UNMIN fulfils an important supporting role to the Government, my delegation would be ready to carefully consider a limited extension of the Mission's mandate, if a request were to be received from the Government of Nepal and the Secretary-General. We must not be over-hasty in withdrawing the Mission, if there remain important peacebuilding tasks for which UNMIN support continues to be necessary. But neither should we maintain a mission of a size that is greater than that which is strictly necessary.

In closing, I thank the new Special Representative, Mr. Martin, for his briefing and congratulate the people of Nepal through their Permanent Representative for their admirable efforts to achieve peace and democracy in their country. As the Permanent Representative himself said, a considerable amount has been achieved in a relatively short time and an historic transformation of great importance has occurred.

I resume my function as President of the Security Council. There are no further speakers inscribed on my list. In accordance with the understanding reached in the Council's prior consultations, I should now like to invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 3.40 p.m.

United Nations S/PV.6014

Security Council

Sixty-third year

Provisional

6014th meeting

Friday, 7 November 2008, 5.20 p.m.

New York

President:	Mr. Urbina	(Costa Rica)
Members:	Belgium	Mrs. Delieux
	Burkina Faso	Mr. Tiendrébéogo
	China	Mr. Liu Zhenmin
	Croatia	Mr. Skračić
	France	Mr. Lacroix
	Indonesia	Mr. Natalegawa
	Italy	Mr. Mantovani
	Libyan Arab Jamahiriya	Mr. Dabbashi
	Panama	Mr. De Vengoechea
	Russian Federation	Mr. Safronkov
	South Africa	Mr. Kumalo
	United Kingdom of Great Britain and Northern Ireland	Ms. Pierce
	United States of America	Mr. DeLaurentis
	Viet Nam	Mr. Bui The Giang

Agenda

The situation in Côte d'Ivoire

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08-59333 (E)

The meeting was called to order at 5.20 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in Côte d'Ivoire

The President (*spoke in Spanish*): I should like to inform the Council that I have received a letter from the representative of Côte d'Ivoire, in which he requests to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Bailly (Côte d'Ivoire) took a seat at the Council table.

The President (*spoke in Spanish*): The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

After consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council:

"The Security Council takes note that, as mentioned in the report of the Secretary-General dated 14 October, the peace process has crossed a critical milestone with the launching of the identification and registration of voters operations on 15 September. It also however notes that the delays occurred since the launch of the identification and voter registration processes on 15 September have proven greater than expected. It takes note that the Special Representative of the Secretary-General indicated on the 27 October 2008 that, if the elections scheduled for the 30 November 2008 were delayed, they were likely to be delayed by several months, due mainly to some logistical difficulties. The Security Council expresses its deep concern about a possible third consecutive delay since the signature of the Ouagadougou Political Agreement, which could put at risk the entire Ivorian peace process.

"The Security Council commends the Facilitator for convening a meeting of the permanent consultative framework on the 10 November 2008, in order for the Ivorian political actors to address all the main difficulties of the electoral process, and in particular with a view to finding an agreement on the new electoral time frame. It urges all the Ivorian political actors to cooperate fully with the Facilitator, with the support of the Special Representative of the Secretary-General, and to demonstrate their political determination to fulfil the commitments taken in the Ouagadougou agreement and in the framework of its follow-up mechanisms.

"The Security Council further urges to this end the President of the Independent Electoral Commission, which is in charge of the organization of the elections, to share publicly this new timeline, including in particular the full rollout of the identification process and some other stages such as the publication of the provisional and final versions of the electoral list, the fabrication and distribution of the identity and voter's cards and the date of the presidential election. It emphasizes that all political actors must pay a particular attention to the accumulating logistical delay.

"The Security Council urges the Ivorian parties to take immediately and as a priority the concrete steps necessary to complete the identification and registration of voters operations in a credible and transparent manner before the end of January 2009. It expresses its determination to bring its full support to a credible electoral process in Côte d'Ivoire, on the understanding that the presidential elections will be organized before the end of spring 2009. The Security Council recalls that all political parties agreed to abide by the Code of Good Conduct for elections they signed under the auspices of the Secretary-General on the 23 April 2008.

"The Security Council recalls that any threat to the electoral process in Côte d'Ivoire shall constitute a threat to the peace and national reconciliation process and it reaffirms its determination to impose, pursuant to resolutions 1572 (2004) and 1842 (2008), targeted measures against any person designated by its sanction Committee on Côte d'Ivoire to be responsible for

these threats. The Security Council expresses its willingness to review the sanctions regime at the latest three months after the presidential elections.

"The Security Council requests the Secretary-General to keep it informed of the evolution of the situation. It reaffirms its full support to the efforts of his Special Representative and his certification mandate, including the explicit certification of the electoral list. It expresses its intention to take the progress of the electoral process fully into consideration when it will review the mandate of the United Nations Operation in Côte d'Ivoire (UNOCI) and the French forces which support it, before 31 January 2009."

This statement will be issued as a document of the Security Council under the symbol S/PRST/2008/42.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 5.25 p.m.

United Nations S/PV.6015

Security Council

Sixty-third year

Provisional

6015th meeting

Wednesday, 12 November 2008, 10 a.m.
New York

President:	Mr. Urbina	(Costa Rica)
Members:	Belgium	Mr. Grauls
	Burkina Faso	Mr. Tiendrébéogo
	China	Mr. Liu Zhenmin
	Croatia	Mr. Jurica
	France	Mr. Lacroix
	Indonesia	Mr. Natalegawa
	Italy	Mr. Mantovani
	Libyan Arab Jamahiriya	Mr. Ettalhi
	Panama	Ms. Jácome
	Russian Federation	Mr. Churkin
	South Africa	Mr. Kumalo
	United Kingdom of Great Britain and Northern Ireland	Ms. Pierce
	United States of America	Ms. DiCarlo
	Viet Nam	Mr. Hoang Chi Trung

Agenda

Briefings by Chairmen of subsidiary bodies of the Security Council

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08-59882 (E)

The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

Briefings by Chairmen of subsidiary bodies of the Security Council

The President (*spoke in Spanish*): I should like to inform the Council that I have received letters from the representatives of Australia, Cuba, Israel, Japan, Switzerland and the Bolivarian Republic of Venezuela, in which they request to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the consideration of the item without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, the representatives of the aforementioned countries took the seats reserved for them at the side of the Council Chamber.

The President (*spoke in Spanish*): The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

At this meeting, the Council will first hear a joint statement by me on behalf of the three Committees, followed by a briefing in my capacity as the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004).

Thereafter, the Council will hear briefings by His Excellency Mr. Jan Grauls, Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities, and by His Excellency Mr. Neven Jurica, Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counterterrorism.

I shall now to make a joint statement on behalf of the Committees established pursuant to resolutions 1267 (1999), 1373 (2001) and 1540 (2004), respectively.

On behalf of the Chairmen of the three subsidiary bodies of the Security Council established pursuant to resolutions 1267 (1999), 1373 (2001) and 1540 (2004), which deal with the issue of terrorism, I would like to make some remarks on the cooperation among the Committees.

As requested by the Security Council in all its recent resolutions pertaining to the 1267 Committee, the Counter-Terrorism Committee (CTC) and the 1540 Committee, and more specifically in resolutions 1805 (2008), 1810 (2008) and 1822 (2008), we have worked on enhancing the ongoing cooperation among our three Committees, including our expert groups.

Over the past six months, the three expert groups have continued to implement simultaneously their common strategy, approved by the three Committees in 2007, in order to assist States in providing the requested information to the three Committees. After the first regional workshop, held in Senegal at the end of September 2007, for West and Central African States, and a second one, held in Botswana at the end of 2007, for the Southern African States, the third subregional workshop for the Northern and Eastern African States is taking place in Kenya, from 11 to 13 November 2008. All three events are organized in cooperation with the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime (UNODC). The workshops have provided an opportunity for the three expert groups to enhance Member States' understanding of the differing mandates and roles of the three Committees and interact directly with the officials in charge of implementing the measures outlined in the respective resolutions. That common strategy is also being considered for other regions.

The success of the workshops is reflected in the content and quality of the new reports and additional information on States' implementation of the resolutions provided by the States to the three Committees. That success has led to an effort to apply a common approach to other areas where the three expert groups are being encouraged to intensify their cooperation. In particular, the expert groups are working towards a common strategy to assist the three Committees in their cooperation with key international, regional and subregional organizations and relevant United Nations agencies and entities, as directed by this Council in resolution 1822 (2008). That is another concrete example how cooperation and coordination

among the three Committees and their expert groups can be enhanced with the use of common resources to increase efficiency and minimize possible duplication when each group approaches the same organization on similar issues.

(*spoke in English*)

Another concrete example of such cooperation is the visits to Member States carried out jointly by the Counter-Terrorism Committee Executive Directorate (CTED) and the experts of the Monitoring Team of the 1267 Committee. Over the past six months, such joint visits have been conducted to South Africa and Egypt, and another is scheduled for later this month. The Counter-Terrorism Committee Executive Directorate and the 1267 Monitoring Team are also preparing to participate, for the first time, with the experts of the 1540 Committee in a new series of regional workshops on the implementation of resolution 1540 (2004), the first of which will take place in Saõ Paulo, Brazil, at the end of November. Those workshops are being organized by the United Nations Office for Disarmament Affairs and sponsored by the Government of Norway and the European Union.

We continue to encourage our three expert groups to share information and to work in common areas of interest to facilitate efforts by Member States to implement their obligations under the relevant Security Council resolutions. That exchange of information also relates to technical assistance and includes sharing experiences and lessons learned on the implementation of the resolutions. The three Committees welcome that further evidence of the close working relationship between the expert groups. The Committees attach great importance to the joint work and, in order to promote it further, hope that the Secretariat will take every advantage of actions related to the Capital Master Plan once again to ensure the co-location of the Monitoring Team with their colleagues in CTED.

The three expert groups continue to cooperate within the framework of the Counter-Terrorism Implementation Task Force (CTITF), established to ensure overall coordination and coherence in the counter-terrorism efforts of the United Nations system, in the context of the implementation of the United Nations Global Counter-Terrorism Strategy. The Monitoring Team, CTED and the experts of the 1540 Committee are not only all part of Counter-Terrorism Implementation Task Force, they also play a leading role in some of the working groups.

(*spoke in French*)

That cooperation is crucial to the effectiveness of the work of the respective Committees and essential to the coherence of the important contribution of the Council to the fight against terrorism. Avoiding duplication of efforts is of paramount importance. On the occasion of the previous briefing in May 2008, a comparative table was issued to highlight the main aspects of the respective mandates and areas of competence of the three Committees and of their expert groups. That table has served as a useful tool for Member States, as it has helped them to better understand the specificities and complementarities of our work. An updated version of the table is available today and has been posted on our respective websites. It is used in our various outreach activities and interactions with Member States, with which rests the primary responsibility to honour the obligations under the relevant Security Council resolutions. A better understanding of what is required can only be beneficial to the effective implementation of the measures decided by the Council and, ultimately, to countering terrorism and preventing the proliferation of weapons of mass destruction.

Terrorism remains one of the most serious threats to international peace and security, and cooperation by all continues to be crucial. The Al-Qaida and Taliban Sanctions Committee, the Counter-Terrorism Committee and the Committee established pursuant to resolution 1540 (2004) and their respective expert groups remain committed, within their respective mandates, to continue the fight against terrorism and are convinced that their work contributes to the overall United Nations and international efforts to assist States to fully implement the various resolutions. In that context, the three Committees look forward to further guidance from the Council on areas of common interest in order better to coordinate their efforts, as indicated in resolutions 1805 (2008), 1810 (2008) and 1822 (2008).

(*spoke in Spanish*)

I shall now make a statement in my capacity as Chairman of the Security Council Committee established pursuant to resolution 1540 (2004).

This briefing covers the six month-period since the last joint briefing to the Security Council, which was held on 6 May 2008. It focuses on the activities related to the submission of and follow-up to the 1540 Committee's report to the Security Council in July 2008. The report summarizes the progress made during the second biennium on the implementation of the provisions of resolutions 1540 (2004) and 1673 (2006).

In accordance with resolution 1810 (2008), the 1540 Committee agreed to establish an open-ended working group to develop its next annual programme of work, which it must present by the end of January 2009. A Vice-Chairman of the Committee is leading that effort.

In July 2008, as Chairman of the Committee, I presented to the Security Council the second report on the status of implementation of resolution 1540 (2004). That report, which is contained in document S/2008/493, was produced in accordance with resolutions 1673 (2006) and 1810 (2008). That second report, which built upon the first one, submitted in April 2006, identified several specific measures taken by Member States to implement resolution 1540 (2004). Those measures covered a wide range of areas, from developing new institutional means and adopting new legislation and enforcement measures to establishing and implementing programmes to assist States in fulfilling their obligations under resolution 1540 (2004).

Initial reports submitted by a number of countries and new information received from previously reporting States, together with information gathered from official sources, enabled the Committee to provide a more complete picture of measures already in place or planned for the near future. As of 5 November 2008, 159 States had submitted their first reports, with 102 of them having provided additional information. Since my briefing to the Security Council on 6 May 2008, six States have submitted their first reports and five have submitted additional information.

The data and the assessment included in the July 2008 report revealed qualitative progress in the implementation of resolution 1540 (2004), although more work is needed.

Resolution 1810 (2008) encourages the 1540 Committee to work more closely, in its outreach activities, with global and regional intergovernmental organizations, and arrangements within and outside the United Nations system to foster the sharing of experience, create forums for discussion and develop innovative mechanisms to achieve the implementation of the resolution.

The Committee would like to take this opportunity to express its gratitude to all States that have responded promptly to the Committee's appeals for information, as well as to encourage States that have not yet reported to do so as soon as possible.

The Committee has continued to rely on outreach activities to encourage and promote the full implementation of resolution 1540 (2004). Since early May 2008, the Chairman, members of the Committee and the experts who assist it participated in 14 outreach conferences, seminars and workshops. The purpose of such participation ranged from raising awareness of States' action to achieve full implementation of the resolution and encouraging the submission of reports on the status of implementation efforts by States, to sharing experiences and lessons learned. The Committee and its experts continued to engage in dialogue with participating officials from Governments and organizations particularly interested in the work of the Committee.

(*spoke in English*)

The Committee has engaged in several types of outreach activity since May 2008. In order to encourage States that were not responding to calls from the three Committees to submit reports or responses, the United Nations Office on Drugs and Crime (UNODC) Terrorism Prevention Branch sponsored a third workshop on the preparation of responses. Designed for northern and eastern African States, the workshop is currently taking place in Nairobi, Kenya. The common strategy events are organized jointly with the 1540 Committee's experts, the Counter-Terrorism Committee's Executive Directorate and the 1267 Committee's Monitoring Team.

Since May, members of the Committee and its experts have participated in meetings on relevant subjects ranging from the legal aspects of international instruments for countering terrorist acts in the nuclear, chemical or biological areas, to more specific topics, such as proliferation financing, export controls and illicit trafficking in nuclear materials. Such events included a conference on export controls, events in Argentina and Panama organized by the Organization of American States, joint UNODC-sponsored

workshops with the Pacific Islands Forum secretariat in Fiji and a workshop in Austria designed for small island developing States. During the reporting period, other events that offered opportunities to discuss and promote resolution 1540 (2004) were organized by the North Atlantic Treaty Organization, the Financial Action Task Force, the Global Initiative to Combat Nuclear Terrorism, the Counter-Terrorism Implementation Task Force, the Implementation Support Unit for States Parties of the Biological Weapons Convention (BWC) and by the academic and policy think tanks the Council for Security Cooperation in the Asia Pacific, the United States Naval Postgraduate School in Monterey and the Istituto Affari Internazionali in Rome.

The 1540 Committee welcomes the launch of a new series of UNODA-organized regional workshops throughout 2009 on the implementation of resolution 1540 (2004), focusing on border and export controls, preparations for the first of which, to be held in São Paulo, Brazil, from 24 to 28 November, are under way. The Counter-Terrorism Committee and the 1267 Committee have indicated their interest in participating in those workshops. The Committee expresses its appreciation to UNODC, UNODA, the Government of Norway and the European Union for their ongoing support in the aforementioned activities.

(*spoke in French*)

Since the joint briefing to the Security Council in May 2008, the 1540 Committee has continued to work in close cooperation with the Counter-Terrorism Committee and the 1267 Committee. Moreover, the groups of experts that assist the three Committees have stepped up their collaboration by completing the common strategy for improving the response capabilities of African States and by developing a common strategy to cooperate with the principal international, regional and subregional organizations and United Nations agencies and entities. The three expert groups have also conducted small-group discussions on issues of border, export and customs controls in various regions in preparation for the forthcoming 1540 workshops organized by the United Nations Office for Disarmament Affairs.

Efforts continue to develop closer cooperation with the relevant international and regional organizations and arrangements. To that end, the head of the UNODC Terrorism Prevention Branch gave a briefing to the 1540 Committee on 23 August 2008, which was followed by discussions and exchange of communications with the experts aimed at continuing cooperation in developing common strategies; sharing information within the mandates of the 1540 Committee and the Branch, including on the experience gained by the Branch in developing model legislative provisions against terrorism; and mutual participation by the 1540 Committee and the Terrorism Prevention Branch in activities of common interest.

On 23 October, the Chairman of the BWC Meeting of Experts and the head of the BWC Implementation Support Unit briefed the 1540 Committee on the outcome of the BWC Meeting in preparation for the meeting of States Parties to be held in December and on the role of the Geneva-based Information Support Unit. In the context of future cooperation between the 1540 Committee and the Information Support Unit, it was agreed that each will participate in meetings organized by the other and that they will cooperate in the coordination of assistance requests.

In conclusion, we note that the implementation Security Council resolution 1540 (2004) is a long-term process that requires continuous efforts at the national, regional and international levels in capacity-building and assistance. We look forward to seeing the Committee progress to the next phase as it develops its new programme of work and steps up its efforts to assist States to fully implement resolution 1540 (2004).

(*spoke in Spanish*)

I now resume my functions as President of the Security Council.

I now give the floor to Mr. Jan Grauls, Chairman of the Security Council Committee established pursuant to resolution 1267 concerning Al-Qaida and the Taliban and associated individuals and entities.

Mr. Grauls (Belgium): Allow me to highlight the main elements contained in my report prepared for the Council. The comprehensive version is being distributed and will be made accessible on the Committee's website.

Since the adoption of resolution of 1822 (2008) on 30 June 2008, the Committee has focused its efforts on implementing those provisions contained in the resolution pertaining to the Committee and its work. Today, I would like to outline the progress which has

been made so far in a number of areas which are considered essential for achieving further progress in the work of the Committee and in continuing to ensure that fair and clear procedures exist for placing individuals and entities on the consolidated list and for removing them, as well as for granting humanitarian exemptions.

As directed by this Council, the Committee has over the past months been working, as a matter of priority, on reviewing its guidelines. In addition to the technical updates, the Committee has also made a thorough analysis of its guidelines. Several sections have been restructured and new provisions have been added. A new section detailing the procedure for the consideration of requests for exemptions from the travel ban was approved by the Committee on 2 September 2008. The updated version of the guidelines will be made accessible on the Committee's website in the coming weeks.

Over the past few months, the Committee and the Monitoring Team have devoted great attention to the concrete modalities for the implementation of two new mechanisms introduced by resolution 1822 (2008). I am referring here, on the one hand, to the review, by 30 June 2010, of all the names on the consolidated list at the time of the adoption of the resolution and, on the other hand, to the posting on the Committee's website of the narrative summary of reasons for listing for all entities on the list.

In paragraph 25 of resolution 1822 (2008), the Council directed the Committee:

> "to conduct a review of all names on the Consolidated List at the date of adoption of this resolution by 30 June 2010 in which the relevant names are circulated to the designating States and States of residence and/or citizenship, where known, pursuant to the procedures set forth in the Committee guidelines, in order to ensure the Consolidated List is as updated and accurate as possible and to confirm that listing remains appropriate."

Upon completion of that review, the Committee has been directed "to conduct an annual review of all names on the Consolidated List that have not been reviewed in three or more years" (*para. 26*).

It is worth recalling that the one-time comprehensive review, to be conducted by the end of June 2010, relates to 491 names on the Consolidated List. In order to make this first-ever exercise meaningful, careful preparation is essential. The way the review is organized and planned is key for its success. That process will be one of the ongoing priorities in the Committee's work in the months to come.

In paragraph 13 of resolution 1822 (2008), the Council directed the Committee, with the assistance of the Monitoring Team and in coordination with the relevant designating States, to make accessible on the Committee's website a narrative summary of reasons for listing for each entry on the consolidated list. That task is also considered by the Committee to be an utmost priority and will play a role equally important as that of the review outlined above. The Committee is currently developing the concrete modalities for that exercise. Following the ruling of the European Court of Justice in the *Qadi* and *Barakaat* cases on 3 September 2008, and at the request of the presidency of the European Union, the Committee provided on 21 October 2008, on a non-precedent basis, the narrative summaries of reasons for listing for Mr. Yasin Abdullah Ezzedine Qadi and Barakaat International Foundation.

Given the number of names concerned, one should allow a sufficient amount of time for the full implementation of the two exercises. The cooperation of the designating States, as well as of the States of residence and nationality, will be critical in that endeavour.

Improving the quality of the Consolidated List remains central to the work of the Committee. As of today, the Consolidated List comprises 503 names. Since the last briefing, on 6 May 2008 (see S/PV.5886), 21 individuals and one entity associated with Al-Qaida have been added to the list, and two individuals have been de-listed, one following a submission through the Focal Point. The Committee has also made improvements to the existing identifying information of 44 individuals and three entities. On behalf of the Committee, I would like to thank all Member States that have contributed to this process, as it is our collective responsibility to have a dynamic and constantly updated list in order to effectively address the evolution of the threat posed by Al-Qaida and the Taliban.

With a view to ensuring the greatest transparency and to reflecting the new provisions contained in resolution 1822 (2008), the Committee has conducted a comprehensive update of its website, including the fact sheets providing information on the Committee's procedures. The Committee also agreed on a number of changes to its website aimed at further improving its user-friendliness. Moreover, the Committee has been working on developing explanation of terms papers for each of the three measures set out in paragraph 1 of resolution 1822 (2008), namely, the assets freeze, the travel ban and the arms embargo. The explanation of terms paper on the arms embargo has been revised and has been posted on the Committee's website, and the one on the travel ban, approved in September, will be made available on the Committee's website once the new guidelines are issued. The explanation of terms paper on the assets freeze is currently in the process of being finalized. The Committee believes that the updated and further enhanced website will assist Member States in effectively implementing the sanctions.

The Committee continues to value greatly its cooperation and interaction with Member States and international and regional organizations, and enhancing the outreach efforts remains, therefore, an overall objective of the Committee. Over the past six months, the Monitoring Team has provided the Committee with detailed reports on country visits, sanctions workshops and participation in several international seminars and other forums. Such trips offer an opportunity to explain in detail the work of the Committee and the Team, to answer questions concerning implementation and to discuss the objectives and mechanics of the sanctions regime and increase its impact. That has been particularly important in the light of the extensive debate about the fairness of the Committee's procedures.

The Committee has also continued to develop its cooperation with international organizations. INTERPOL-United Nations Security Council Special Notices for entities included in the consolidated list are now available, in addition to the notices for individuals developed since 2005. In July 2008, the Committee approved an information package for transmission to relevant international, regional and subregional organizations. The package outlines in brief the activities and mandate of the Committee.

In my capacity as Chairman of the Committee, I gave a briefing to interested Member States on 21 July 2008, where I had the opportunity to update the broader membership on our work, as well as to highlight the main provisions of the newly adopted resolution 1822 (2008). I intend to hold another open briefing next month.

On 20 October, the Committee met with Mr. Martin Scheinin, Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism. We had a constructive exchange of views on issues related to the fairness and clearness of the procedures, in particular as far as listing and de-listing are concerned.

I would like to take this opportunity to stress that the Committee welcomes the Council's encouragement in paragraph 30 of resolution 1822 (2008) for Member States to send representatives to meet the Committee for more in-depth discussion of relevant issues or for voluntary briefings on their efforts to implement the sanctions measures. The Committee looks forward to continuing its cooperation and dialogue with all Member States.

Allow me to conclude by saying that the Committee is committed to assisting Member States by responding to their requests, as well as by continuing to ensure that fair and clear procedures exist, as guided by the Security Council. In resolution 1822 (2008), the Council entrusted the Committee with additional responsibilities in that regard, and I can assure you that the Committee is doing its utmost to implement the relevant provisions in a timely and efficient manner. The continued cooperation of all Member States will also be crucial in achieving our common and overall objective, that is to say, to counter and prevent terrorist acts.

The President (*spoke in Spanish*): I thank Ambassador Grauls for his briefing and for preparing an abbreviated version as well as a comprehensive version for the information of Council members.

I now give the floor to His Excellency Mr. Neven Jurica, Permanent Representative of Croatia and Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism.

Mr. Jurica (Croatia): In my capacity as the Chairman of the Committee established pursuant to

resolution 1373 (2001), known as the Counter-Terrorism Committee, it is my honour to brief the Security Council on the work of the Committee in the past six months. Before entering into the core of the presentation, I would like to extend the Committee's gratitude to Mr. Mike Smith, Executive Director of the Counter-Terrorism Committee Executive Directorate (CTED), and his team for their valuable assistance. I also appreciate the continuous support of the Secretariat, as well as the constructive atmosphere in the Committee, which greatly contributes to the fulfilment of its mandate.

Transparency is one of the basic principles of our work. Therefore, together with the Executive Director, I continued the practice of informing the wider United Nations membership on the work of the Committee and the CTED at an informal briefing held on 6 November 2008.

At the outset, I am pleased to report that since my last briefing to the Security Council, on 6 May 2008, the Committee has pursued its activities according to programmes of work and has accomplished several key initiatives.

In May this year, the Committee adopted a document entitled "Survey of the implementation of Security Council resolution 1373 (2001)" (see S/2008/379), and submitted it to the Security Council. The report was prepared on the basis of evaluations contained in the preliminary implementation assessments (PIAs). It provides an assessment of the implementation of the resolution in regions and subregions and draws conclusions about progress in the implementation of the resolution in key thematic areas. The report also contains priority recommendations for the Committee's future action.

The survey was discussed at informal consultations of the Security Council, during which it received positive reviews by Council members. I would like to emphasize that it is the first report of its kind adopted since the establishment of the Committee.

The Committee has continued to analyze the preliminary implementation assessments. Thus far, the Committee has adopted some 188 PIAs, and the remaining 5 should be formally approved by the Committee in the forthcoming months. While receiving their assessments, Member States were also given time to respond. As the first deadlines for responses have expired, the Committee has recently endorsed a proposal on how to conduct the stocktaking of each Member State's implementation of resolution 1373 (2001). That process has already started and will be carried out in stages at the subcommittee and Committee levels, while particular emphasis will be given to regular dialogue with Member States.

The reorganization plan of the CTED mandated the establishment of five cross-cutting technical working groups, covering major areas of implementation of resolution 1373 (2001), as well as implementation of resolution 1624 (2005). The groups have already presented to the Committee first results of their work, aimed at revising and harmonizing criteria for technical judgments of elements of resolution 1373 (2001), and they are working towards the completion of a document that will assist the CTED in that task.

The Committee has continued organizing visits to Member States, which constitute a fundamental component of its activities to effectively monitor and promote the implementation of resolution 1373 (2001). Throughout the period the Committee has been carrying out visits that were approved at the end of 2006, always with the consent of the countries involved. Since our last briefing, the Committee has concluded successful full-fledged on-site visits to Cambodia, the Lao People's Democratic Republic, South Africa and Egypt and a focused visit to Madagascar. As we speak, the Committee is engaged in a follow-up visit to Kenya and will immediately afterwards visit to Uganda and to the United Kingdom.

Moreover, as the new organizational plan of the CTED contains a provision for more flexible and targeted visits, the Committee approved a new list of visits for the period until the end of 2010. Member States have been contacted by the Executive Directorate in that regard, and many of them have already provided their consent to a visit.

In addition, and in order to promote transparency in the Committee's work, I am pleased to report that, on the basis of a recent decision of the Committee, Member States to be visited will be invited, on a voluntary basis, to meet with the members of the Committee in an informal setting before the consideration of the final visit report, in order to present their views on the visit and its outcome.

Regarding the facilitation of technical assistance, along with its regular activities — which include ongoing dialogue with Member States, donors and

beneficiaries — the Committee is engaged in ensuring follow-up to its fifth special meeting with international, regional and subregional organizations, held in Nairobi in 2007. The Committee also maintains the technical assistance matrix and a directory of assistance programmes on its website.

In its dialogue with Member States, the Committee continued to remind them that they must ensure that any measures taken to combat terrorism must comply with all their obligations under international law, in particular international human rights, refugee and humanitarian law.

With respect to the implementation of resolution 1624 (2005), the Committee held a discussion to explore the technical assistance needs of States to implement that resolution, as well as to facilitate the provision of such assistance. The Committee continues to encourage those States that have not yet reported to do so. The Committee also continues to encourage Member States to become party to and implement the 16 international counter-terrorism instruments.

The Committee continues to play its part in the implementation of the United Nations Global Counter-Terrorism Strategy, and the CTED is participating actively in the Counter-Terrorism Implementation Task Force (CTITF) through contributing to the work of several working groups. The Committee has held a discussion on the issue of its participation in the Strategy and is also regularly assisting Member States to implement those provisions of the Strategy that fall within its mandate. In that respect, it is worth noting that the Committee's recent visit to Madagascar was organized with the participation of representatives of the CTITF.

The Committee, mostly through its experts and in line with resolution 1805 (2008), cooperates and coordinates its activities with the two other Security Council subsidiary bodies that deal with counter-terrorism — the Committees established pursuant to resolutions 1267 (1999) and 1540 (2004). One tangible example of that cooperation is the organizing, together with the United Nations Office on Drugs and Crime, of subregional workshops on the preparation of responses to the Security Council committees dealing with counter-terrorism. The third such workshop will be held in Nairobi, Kenya.

Moreover, as part of its cooperation and exchange of information with counter-terrorism partners during its meetings in New York, the Committee heard several briefings by representatives of relevant organizations and United Nations bodies.

Various activities in the past six months have shown that the Committee is a useful tool in combating terrorism. In the forthcoming period, our work will be focused on the stocktaking exercise, as well as on preparing for an interim review of the CTED by 30 June 2009, as mandated by resolution 1805 (2008). The Committee is also expecting to receive a new revision of the survey of the implementation of resolution 1373 (2001) by Member States, and to pursue with enhanced vigour contacts with relevant countries to facilitate the delivery of technical assistance. I believe that with an inclusive but pragmatic approach by all members, that collaborative effort will bear fruit and will meet the expectations of the Security Council.

The President (*spoke in Spanish*): I thank Ambassador Jurica for the information he has provided to the members of the Council.

I shall now give the floor to Council members.

Mr. Lacroix (France) (*spoke in French*): On behalf of my delegation, I wish to thank you, Sir, for organizing this debate on such an important topic. I would also like to thank Ambassadors Grauls and Jurica for the briefings that they have just delivered to the Council on the work of the Committees they had chaired. I should also like to thank them on behalf of my delegation for the very demanding work that they carry out at the head of these Committees, something they always do in a very professional way.

I have the honour to speak on behalf of the European Union (EU).

Terrorism knows no borders, and over the past six months the Security Council has pronounced itself on a number of occasions to condemn terrorist attacks worldwide. This global threat requires global cooperation, and it is the European Union's view that no organization is better suited for that purpose than the United Nations. Everyone here knows full well that this Organization has a long track record in setting norms for counter-terrorism. What is also important are the values on which this Organization is founded, values that lead to rejecting the use of terrorist tactics as a means to pursue whatever end, however legitimate it might be. And, when the Council pronounces itself on counter-terrorism, it does so by recalling that all

measures taken to combat terrorism must be in conformity with international law, including human rights, refugees and international law. For the European Union, respect for human rights and the rule of law is an essential element of counter-terrorism. We must not renounce our values in trying to defeat those who reject them.

This meeting today is an opportunity for us to hear the briefings by the Chairmen of three subsidiary bodies of the Security Council: the Al-Qaida and Taliban Sanctions Committee known as the 1267 Committee; the Committee established pursuant to resolution 1373 (2001), better known as the Counter-Terrorism Committee; and the Committee established pursuant to resolution 1540 (2004) on proliferation of weapons of mass destruction to non-State actors, including terrorists. These are obviously very important subsidiary bodies of the Security Council, and the European Union closely follows their work. The Union also supports close cooperation between these three Committees and their support bodies, and we welcome the practice of joint and common briefings, similar to the one our colleague from Costa Rica gave us today. The three Committees must strive to achieve greater cohesiveness, and we welcome their participation in the broader effort undertaken by the United Nations family to achieve greater cohesiveness throughout the Secretary-General's Counter-Terrorism Implementation Task Force.

As a token of the support of the European Union for this close coordination between the three Committees and their expert support groups, the European Union would like to call on the Secretary-General to explore all possible ways to take advantage of the capital master plan and locate these three expert support bodies in a common location.

After these general remarks, I would like to turn to the work of the three Committees.

The European Union fully supports the sanctions against Al-Qaida and the Taliban. Al-Qaida threatens the whole world and is, by its very nature, a unique and paramount threat to international peace and security. Europe has been targeted and struck by this terrorism, as have numerous regions around the world.

The European Union is pleased to see that the sanctions regime has evolved over the years, in particular in response to the need to ensure that fair and clear procedures are set up for the listing and delisting of individuals. Resolution 1452 (2002) provided exemptions to the assets freeze. Resolution 1617 (2005) defined the concept of association, which is central to the consolidated list and, as a representative of France, I would not want to omit resolution 1730 (2006), which opened access to individuals to ensure that their petitions to be removed from the list be brought to the attention to the Committee.

In this spirit, the European Union welcomes the fact that Security Council members brought improvements with resolution 1822 (2008) on notification, information, the reasons for listing and on the review of the list. It is clear, however, that these efforts will need to be pursued, because they follow a general objective that needs to be constantly borne in mind — namely, ensuring that targeted sanctions are governed by fair and clear procedures. This is one of the core elements of the efficiency and effectiveness of these sanctions.

It is the view of the European Union that the key priority for the Committee over the coming months will be to start implementing the changes introduced in resolution 1822 (2008). It is all the more important for the European Union as these changes will assist the Union in defining its own framework for implementation of the sanctions, following the European Court of Justice ruling in the *Qadi* case. The European Union wishes to work very closely with the Committee and is grateful for its responsiveness.

Given its unique and broad mandate, the Counter-Terrorism Committee also has a very important role to play. The European Union welcomes the new mandate and organizational plan for the work of the Counter-Terrorism Executive Directorate (CTED), which acts under the Counter-Terrorism Committee. This effort has led to new methods of work to improve dialogue with States, with the ultimate goal of enhancing the implementation of resolution 1373 (2001). The European Union notes in particular the creation of a horizontal working group on respect for human rights and implementation of resolution 1624 (2005). Further work will be required in this area, particularly in helping States to define their own strategies to combat incitement and radicalization. The European Union is currently updating its own strategies in this area and will be pleased to share its experience.

The European Union welcomes new tools developed by CTED to monitor States' implementation of resolution 1373 (2001) — namely, the preliminary implementation assessment and the global survey of implementation that was presented to the Security Council in June. We also note the change in terms of visits to States. This is an essential part of CTED's activity, and the European Union is pleased to note that these visits can now be more focused, either on thematic issues, for example, or on regions. We look forward to similar creativity on follow-up, which is essential to the success of these visits over the long run.

As part of the general efforts of outreach and increase transparency, the European Union fully supports the work of the Counter-Terrorism Committee aimed at strengthening cooperation with regional and specialized organizations. We recall in this regard the convening of the fifth special meeting of the Committee in October 2007 in Nairobi, and we look forward to the implementation of its outcome. The European Union is committed to work with the Counter-Terrorism Committee and CTED. The Committee heard a briefing by the EU Counter-Terrorism Coordinator in March; the CTED Executive Director addressed the Counter-Terrorism working party in Brussels in September. The European Union is also currently working on technical assistance projects in support of counter-terrorism activities.

At the beginning of my statement, I referred to all of the terrorist attacks this Council has witnessed and reacted to. These are a reminder, if need be, that the threat remains out there. But the threat of nuclear, bacteriological and chemical terrorism remains one of the gravest security challenges faced by the international community. The International Agency for Atomic Energy recently reported to the General Assembly more than 250 incidents in the period January to June 2008. This is a matter of grave concern.

In this respect, the European Union deems the 1540 Committee as an essential and legitimate instrument to counter this threat. The Union welcomes the extension of its mandate under Security Council resolution 1810 (2008). The European Union calls for full implementation of the resolution's provisions. It also calls for increased cooperation between the Committee and relevant organizations for the implementation of its mandate.

The European Union itself is fully committed to the implementation of resolution 1540 (2004). EU member States show the highest record of compliance. The Union is also a major donor to the Committee, with a pledge of €475,000 to support outreach activities implemented by the United Nations Office for Disarmament Affairs.

As it works to deliver its mandate, the 1540 Committee must continue to strive to be ever more relevant, more action-oriented and more results-oriented, particularly, but not exclusively, in the area of assistance. We encourage it to continue to work in this spirit.

My delegation would like in conclusion to stress that the work carried out by these Committees is long-term work that needs to be followed thoroughly. The European Union is grateful to the three Chairmen, their teams and their experts for the efforts in this endeavour. Faced with such a challenge, the United Nations system should reflect more broadly on the support it can provide to capacity-building and other assistance to States required to implement those three resolutions.

Ms. DiCarlo (United States of America): I would like to thank you, Mr. President, Ambassador Jurica and Ambassador Grauls for your briefings and for your joint statement on cooperation among the three Security Council Committees that deal with the issues of terrorism and non-proliferation. Your dedicated leadership has been central to the effectiveness of those three subsidiary bodies.

Today's briefing is an opportunity to focus on some of the accomplishments of the three Committees after their mandate renewal over the past several months. We are grateful that Ambassador Grauls has continued his predecessor's strong leadership as Chair of the 1267 (1999) Committee. We are also deeply appreciative of the work that the 1267 (1999) Monitoring Team has done to support Ambassador Grauls and the Committee. The 1267 sanctions regime has been one of the great success stories of United Nations counter-terrorism efforts. Its success is a credit to global solidarity in confronting the Al-Qaida/Taliban threat and its work has produced tangible results.

The Council has created an unquestionably useful tool to help prevent Al-Qaida and the Taliban from travelling internationally or acquiring arms and has resulted in the freezing of millions of dollars that could

otherwise be used to fund terrorism. Because of the severity of the threat that Al-Qaida and the Taliban continue to pose to international peace and security, we have a special responsibility to ensure that the 1267 regime retains its effectiveness, including by ensuring that the 1267 consolidated list remains as up to date as possible.

The 1267 regime has evolved in a short period of time. In recent years, the Council established a focal point to allow sanctioned individuals or entities to petition the United Nations directly for de-listing. Recently, the Council mandated the Committee to make information explaining the Committee's reasons for approving new listings publicly available.

The Council's adoption in June of resolution 1822 (2008) was another tremendous leap forward in ensuring fair and clear Committee procedures. The implementation of the new procedures for listing, de-listing and reviewing designations will demonstrate that the Council is serious about imposing preventive sanctions in a fair manner.

This discussion about procedure and process should not cause us to forget the regime's ultimate goal: mitigating and ultimately eliminating the threat posed by Al-Qaida and the Taliban. We should encourage more States to submit names for designation to the Committee and redouble efforts to ensure implementation of these preventive measures.

We also thank Ambassador Jurica for his statement and for his effective leadership of the Counter-Terrorism Committee. The Committee survey of the implementation of resolution 1373 (2001) by Member States is a positive step forward and the survey provides excellent recommendations for the Committee's future work.

Ambassador Smith has made impressive progress in his first year as Executive Director of the Counter-Terrorism Committee Executive Directorate (CTED) and deserves our thanks and congratulations. I would also like to note that CTED's high tempo in visiting five countries over the last six months is impressive. The United States strongly supports CTED's targeted visits as a way to address specific technical needs that a country may have. As Ambassador Jurica noted, some 188 preliminary implementation assessments have been adopted and shared with Member States. The United States urges States that have not responded to their Assessments to do so. Furthermore, we support the Committee's initiative to conduct a stock-taking of each Member States implementation of resolution 1373 (2001).

In regard to the Committee established pursuant to resolution 1540 (2004), the United States welcomes the completion of the Committee's report on States' compliance. The report identifies a number of specific measures that States have taken to implement resolution 1540 (2004) and contains important recommendations for the Committee's work, consistent with the Committee's three-year mandate under resolution 1810 (2008).

The United States urges the Committee to use the report as a guide to its future work and for the Committee to adopt its work plan by 31 January 2009. Under Ambassador's Urbina's excellent leadership, the Committee has engaged in several outreach activities since May and the United States greatly supports these initiatives.

In parallel with the 1540 Committee's efforts, the United States is providing funding to conduct, in conjunction with the Committee, outreach activities in the form of regional workshops aimed at improving the implementation of resolution 1540 (2004). The workshops were provided to assist States in South Asia, the Middle East, North Africa, sub-Saharan Africa and the Caucasus.

The three Committees constitute an important Security Council contribution to the United Nations counter-terrorism strategy. We are committed to working with them and other counter-terrorism bodies in a concerted effort to confront and stop those involved in terrorist activities.

Mr. Mantovani (Italy): First of all, let me express our gratitude to you, Mr. President, as well as to the other Chairs of the Security Council subsidiary bodies, Ambassador Grauls and Ambassador Jurica, for today's briefings and for their ongoing contribution to common action against international terrorism.

Italy aligns itself with the statement made by the representative of France on behalf of the European Union and will confine its remarks to the following points.

With regard to the 1267 Committee, limited sanctions which we should design as temporary measures supplied by the Security Council are still effective and politically important. In our view, the

consolidated list is a living document that should be constantly updated to address the ever-present threat of Al-Qaida and the Taliban. Resolution 1822 (2008) is an important step in the evolution of targeted sanctions into a more transparent system based on clear and fair procedures. The Committee is now working on implementation guidelines that should reflect those principles and better reconcile the demands for security with respect for human rights. Otherwise, the long-term credibility and sustainability of the entire system will be jeopardized.

Bearing that in mind, in the upcoming weeks, the 1267 Committee will be called upon to confirm the commitment to openness, effectiveness and speed it has demonstrated so far. In that endeavour, the Committee can rely on the professionalism of the Monitoring Team, to which we should express our utmost gratitude for its significant contribution to our work.

Regarding the Counter-Terrorism Committee's activities, the Security Council's renewal of the Counter-Terrorism Committee Executive Directorate (CTED) mandate, confirming its main tasks and responsibilities while endorsing an organizational plan, lays the groundwork for more efficient action. To that end, Italy appreciates the efforts made by Executive Director Smith to improve dialogue with Member States. The preliminary implementation assessments and the global survey of implementation are new tools to enhance that dialogue and to make it more consistent and productive. We encourage the Counter-Terrorism Committee and the CTED to continue working with regional and external organizations, such as the Counter-Terrorism Action Group of the Group of Eight (G8). Italy confirms its commitment to strengthening that cooperation during its G8 presidency next year.

The recent biannual report on the Committee's activities clearly show that, while important progress has been made, further efforts are required to fully implement resolution 1540 (2004), in particular in the areas of biotechnology, illicit brokering and the financing of proliferation. Consistent with the new approach envisaged in resolution 1810 (2008), we welcome the Committee's recent work in outreach and international assistance to promote compliance with the resolution 1540 (2004). In that context, I wish to recall the seminar organized in Rome in October by the Italian Minister for Foreign Affairs and the Istituto Affari Internazionali on coordinating regional and global efforts to combat the terrorist of weapons of mass destruction.

Italy also supports sharing relevant experience and lessons learned with the membership and enhancing cooperation between the 1540, Al-Qaida and Counter-Terrorism Committees. We look forward to the adoption of the 1540 Committee's programme of work and to the comprehensive review of the implementation status of resolution 1540 (2004) due 31 January 2009.

Let me conclude with a few words about the review of the Global Counter-Terrorism Strategy adopted in September. Member States have the responsibility to continue on that track to achieve progress in all areas of that broad plan of action. We welcome the Task Force's efforts thus far to achieve specific goals in many important areas, and we appreciate the contribution that both the Monitoring Team and the CTED have provided. Italy believes that these joint efforts should continue in order to take every opportunity to strengthen this cooperation.

Mr. Churkin (Russian Federation) (*spoke in Russian*): We are grateful to you, Mr. President, for having organized this meeting, and we wish to express our gratitude to the Chairmen of the Counter-Terrorism Committee (CTC), the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities (the 1267 Committee), and the Security Council Committee established pursuant to resolution 1540 (2004) (the 1540 Committee), for the reports on the work of the committees they head in the field of terrorism. On the whole, the committees continue to assist the Security Council in implementing its active approach to issues of fighting international terrorism, including by providing a significant contribution to the Security Council in implementing the United Nations Global Counter-Terrorism Strategy.

In our view, the preparation and submission to the Council of the global survey of the implementation of resolution 1373 (2001) (see S/2008/379) was an important milestone in the CTC's counter-terrorist activity. For the first time since the resolution's adoption in 2001, a comprehensive assessment of its implementation, the presentation of trends and the formulation of recommendations regarding further work was carried out. We welcome the intention of the CTC to conduct periodic reviews in the future.

The survey was compiled based on preliminary assessments of the implementation of resolution 1373 (2001). At the same time, it provides guidance for further improvement of these assessments. We welcome the Committee's progress in the preparation of preliminary implementation assessments (PIAs). PIAs are now prepared for almost every State and conveyed to capitals. The processing of the first responses has started. In this respect, we expect stepped-up dialogue with Governments on the basis of their PIAs. As the Committee begins the process of updating its initial analyses, it should base itself on relevant information from Governments and on their specific comments on the CTC's assessments. We expect that work on the basis of the PIAs will be orderly and without any delays.

In that context, we back the efforts of the Counter-Terrorism Committee Executive Directorate (CTED) aimed at assisting Member States in preparing their responses to the preliminary assessments. We welcome the regular meetings between the Chairman of the CTC and the Executive Director of CTED with representatives of States for additional clarification of formats and PIA procedures.

A most important area of the CTC's work is in-depth dialogue with Governments within the framework of country visits. We back the Committee's flexible approach to CTED's visiting missions and the effective use of the various formats.

We note the recent CTED visit to Madagascar conducted jointly with the Secretariat's Counter-Terrorism Implementation Task Force. That was the first such visit devoted to issues of implementing resolution 1373 (2001) and the Global Strategy. The visit served as confirmation of the complementarity of the Security Council's and the General Assembly's counter-terrorism efforts and demonstrated new potential for optimizing contacts with States, including with the objective of identifying technical assistance needs.

We welcome the involvement of CTED in the Task Force's work on implementation of the Global Strategy, including the contribution of the Executive Directorate in preparing materials for the first review of the implementation of the Global Strategy, held on 4 and 5 September.

We continue to view the 1267 Committee and its Analytical Support and Sanctions Monitoring Team to be among the effective and operational mechanisms of the Security Council in the field of counter-terrorism. Unfortunately, we are obliged to note the continuing spread of extremist ideas and the influence of the Taliban, both in Afghanistan and beyond its borders, which is demonstrated by the large-scale terrorist acts in Kabul and other regions of the country and by increasing attacks on humanitarian personnel and United Nations staff members. That shows the desire of radical forces to take power and to control the country at the cost of the lives of the peaceful population. In these conditions, we consider it inappropriate and dangerous to move away from a policy of isolating extremist leaders and to establish political contacts with leading members of the Taliban, especially in violation of existing sanctions regimes. We call upon all States to unswervingly implement restrictive measures against individuals on the sanctions list pursuant to the relevant Security Council resolutions.

We welcome the efforts of the 1267 Committee and its Monitoring Team to keep the sanctions list updated, reflecting the reality of today's terrorist threat. We note the significant progress achieved in this field through the adoption of resolution 1822 (2008). We urge States to designate for listing individuals and organizations related to the Taliban and Al-Qaida and to actively provide additional information regarding such individuals already on the list. The full implementation in good faith by all States of their commitments in this field will determine the success of our common efforts aimed at countering the real threat to international peace and security from the Taliban and Al-Qaida. We advocate closer coordination in this area, first and foremost with the CTC and its Executive Directorate.

As a sponsor of resolution 1540 (2004) and the subsequent resolutions 1673 (2006) and 1810 (2008), the Russian Federation is interested in the comprehensive development of international cooperation to fully implement the provisions of those important resolutions aimed at preventing weapons of mass destruction, related materials and delivery systems from falling into the hands of non-State actors, above all terrorists. We are satisfied by the fact that, during the six months since the previous 1540 Committee briefing, the Committee continued to step up efforts in assisting States to implement the provisions of resolution 1540 (2004) and in the coordination of broad international cooperation. We are

ready to continue to back such efforts, including within the framework of our ongoing cooperation on issues related to the 1540 Committee's mandate with other States members of the Commonwealth of Independent States.

We should like to recall the importance of 1540 Committee report (see S/2008/493) presented to the Security Council in July on the outcome of its work for the years 2006 through 2008. In it, due attention is devoted to issues of continuing work with countries that are lagging in providing information on the implementation of resolution 1540 (2004) as well as to new tasks spelled out by the Security Council in resolutions 1673 (2006) and 1810 (2008). There is now a need to focus on making these tasks concrete and on their implementation, including via expedited agreement on a new programme of work for the 1540 Committee.

It is extremely important to fully bring to bear existing expertise to prevent the weakening of the Committee as a result of the impact on the Committee's resources of the tangible increase in workload following the adoption of resolution 1810 (2008). In this respect, we urge members of the Committee to act as expeditiously as possible to conclude the protracted process of agreeing on the new composition of the group of experts assisting it in its work. We should like to assure the Council yet again of our unswerving readiness to offer comprehensive cooperation and active participation in the Committee's activities aimed at realizing the objectives of resolutions 1540 (2004), 1673 (2006) and 1810 (2008).

The Russian Federation backs the joint statement made on behalf of the three Security Council Committees dealing with issues of counter-terrorism. We consider fully warranted the policy aimed at increasing cooperation among the committees and their expert bodies: CTED, the Monitoring Team and the 1540 Committee group of experts. We believe that there is scope to further expand and increase such cooperation. We are ready to engage in in-depth consideration of these issues within the Security Council.

Ms. Pierce (United Kingdom): I should like to thank you, Sir, for your briefing to the Council this morning and join other colleagues in conveying the United Kingdom's thanks to Ambassador Grauls and Ambassador Jurica for their briefings. I also take this opportunity to thank the staff and the experts of each Committee — I see that Mike Smith is here — for their time and the efforts that they put into their important work.

I should like to pay particular tribute to Ambassador Grauls. This, I think, is his last session. I should like to pay tribute to his leadership of the Committee established pursuant to resolution 1267 (1999). We will greatly miss him after December.

With respect to the 1267 Committee, my Government would like to highlight the need for the Committee to continue to work hard to improve the legitimacy of the list so that it reflects the current threat. We must continue to update the list at every opportunity that presents itself. The adoption of resolution 1822 (2008) earlier this year provided for important due process improvements. The inclusion of a review of all the names on the list is a very important mechanism if we want to maintain the validity of the list. We do not take our responsibility lightly here, and we believe that it is incumbent on all of us to ensure that there is a meaningful and proper review.

In addition, we believe that we must continue to ensure that fair and clear procedures are strengthened in order to enhance the efficiency and transparency of the regime, and that we have adequate procedures for listing and de-listing. The European courts, as was mentioned in the statement made by the French Ambassador, have sent an important signal on the listing of individuals. We need to ensure that we develop our processes to address better the concerns that they raised. The consolidated list remains an important counter-terrorism tool, but it must be used effectively if it is to remain so.

I should like to turn to the work of the Committee established pursuant to resolution 1373 (2001) and the Counter-Terrorism Committee Executive Directorate (CTED) over the past six months. We appreciate their work. The report that they produced in May on the global implementation of resolution 1373 (2001) provides us with useful benchmarks, and we particularly welcome the trend towards more targeted and focused visits that you, Sir, mentioned in your remarks.

My Government is working with CTED to pioneer the first of those focused visits in the new format, and we are fortunate to be able to host Mr. Smith's team next week. We believe that it will be

the first CTED visit to a permanent member of the Council and the first, also, to a developed country. We see that as a demonstration of the commitment of the United Kingdom and the Security Council to the universal implementation of the measures in resolution 1373 (2001). I take this opportunity to pledge my Government's full cooperation and assistance for the visit, and I hope that what CTED learns about how we implement our commitments under resolution 1373 (2001) can make a useful contribution to good practice.

I should also like to welcome CTED's efforts to organize joint outreach events with the other subsidiary bodies of the Security Council involved in combating terrorism. This month's seminar in Nairobi is the latest example of that good work.

Turning to the Committee established pursuant to resolution 1540 (2004), my Government welcomes the Committee's report on the status of implementation. It shows the range of measures Member States are adopting to ensure full implementation of the resolution. With 159 States having submitted a first report, we are now at the stage at which quantitative progress is near completion, and therefore the focus is rightly moving towards the quality of the implementation. The Committee's focus on capacity-building and knowledge-sharing should support that.

We look forward to the Committee's being able to further develop its clearing-house function for channelling assistance to States in need and matching requests with States providers of assistance, as well as intergovernmental organizations. A more qualitative focus will also mean that the Committee's role in monitoring and assessing the adequacy of measures implemented by States through continued reviewing of the national implementation matrices will assume more importance.

That shift has similar implications for outreach activity. My Government welcomes the fact that outreach activity that has taken place since the last briefing is moving away from basic awareness-raising towards more focused outreach, with greater emphasis on the development of national capacity to implement resolution 1540 (2004). That is often done in collaboration with relevant international or regional organizations whose interests overlap.

I should like to say something also about the 1540 experts, given that other colleagues have raised that issue today. The United Kingdom also recognizes the vital contribution that the expert staff of the 1540 Committee continues to make to the Committee's work. With merit and experience now agreed as the most important criteria for their selection, we urge the Committee to finalize the appointment of new experts as soon as possible, since delays in their appointment would lower the likelihood of the Committee's being able to attract the best possible team of eight for the job.

Finally, I would like to associate the United Kingdom with the statement made by the representative of France on behalf of the European Union.

Mr. Liu Zhenmin (China) (*spoke in Chinese*): The Chinese delegation wishes to thank you, Sir, for convening this meeting. The Chinese delegation also thanks you, Ambassador Grauls and Ambassador Jurica for your briefings on the work of the Committees established pursuant to resolutions 1267 (1999), 1373 (2001) and 1540 (2004). China is grateful to all three of you for your fruitful work over the past six months.

We are pleased to note that all the activities of the 1267 Committee — including its efforts to iron out the details for the implementation of the relevant provisions of resolution 1822 (2008), update the Committee's guidelines, improve the completeness and accuracy of the sanctions list, enhance the transparency of its work and promote exchanges and dialogue with the relevant international organizations — have steadily progressed. China believes that the support of Member States is necessary in order to maintain the Committee's authority and status. We encourage Member States to provide, in accordance with resolution 1822 (2008), the most detailed information possible and to work with the Committee in reviewing all the data on the sanctions list so as to improve the effectiveness and fairness of the sanctions regime.

Since its last briefing, the Counter-Terrorism Committee (CTC) has actively advanced its activities, in compliance with the relevant provisions of resolution 1805 (2008). The first round of Preliminary Implementation Assessment has been largely completed, marking a new chapter in the dialogue and cooperation between the CTC and Member States. The review of the implementation of resolution 1373 (2001) has provided a comprehensive analysis of the progress and gaps in its work over the past seven years and served as an effective frame of reference for the

formulation of the Committee's long-term programme of work.

The CTC has also achieved good results in its efforts to enhance transparency, facilitate technical assistance and improve the format of country visits. Moreover, the Counter-Terrorism Committee Executive Directorate (CTED) has striven to implement its organizational plan and achieved marked results in improving its efficiency and consistency. China expresses its appreciation for those results and hopes that the CTC, assisted by CTED, will continue to work to improve Member States' understanding of the Preliminary Implementation Assessment, and thus their ability to cooperate better with a view to ensuring the smooth drafting and consideration of the Assessment.

Since its creation, the 1540 Committee has played an important role through its consideration of country reports and by engaging in outreach activities and facilitating international assistance. China expresses its appreciation in that regard. In the coming stage, the Committee should continue its efforts and, in accordance with the provisions of resolutions 1540 (2004) and 1810 (2008), formulate a complete and well balanced programme of work at an early date, so to promote the comprehensive implementation of resolution 1540 (2004).

China attaches importance to the role played by the 1540 Committee and has taken an active part in the Committee's work, in a constructive spirit. We are prepared to continue our support for the work of the Committee and to contribute to efforts to ensure the comprehensive and balanced implementation of resolution 1540 (2004), and to promote common understanding and enhance efforts to prevent proliferation.

In recent years, despite the tireless efforts of the international community to combat terrorism, violence and terrorist acts have increased around the world, which poses a grave threat to international peace and security. The United Nations thus has a long way to go in accomplishing its counter-terrorism mission. China is of the belief that General Assembly resolution 62/272, recently adopted by consensus, which mandates an assessment of progress made in the implementation of the United Nations Global Counter-Terrorism Strategy, fully reflects the great unity and firm determination of Member States in the fight against terrorism and is of great significance for the effective coordination of counter-terrorism efforts within the United Nations system.

The Security Council has an important and irreplaceable role to play in combating terrorism. China appreciates the collaboration among the three Committees and their expert groups to address the issue of Member States' late submission of reports. China hopes that the three Committees will extend into new areas their efforts to share resources and improve efficiency, so that the Security Council's counter-terrorism regime can be constantly improved. China supports the three Committees in their efforts, within their respective mandates, to work actively for the implementation of the United Nations Global Counter-Terrorism Strategy, so that the counter-terrorism efforts of the Security Council and the General Assembly can be coordinated and complementary, thus making a greater contribution to the efforts of the international community to fight terrorism.

Mr. Tiendrébéogo (Burkina Faso) (*spoke in French*): I too wish to congratulate you, Mr. President, and to thank you, along with Ambassador Grauls and Ambassador Jurica, in your respective capacities as Chairmen of the three Security Council Committees in the field of counter-terrorism, both for your briefings this morning and for the cooperation that has prevailed in the relations among those three subsidiary bodies of the Security Council.

My delegation takes this opportunity to congratulate the 1540 Committee on the excellent report it submitted to the Security Council in July (see S/2008/493), pursuant to resolutions 1673 (2006) and 1810 (2008). The report assesses efforts by States during the second biennium of the Committee's work to implement resolutions 1540 (2004) and 1673 (2006). These take the form of the submission of first reports and additional information; the adoption of legislation; the provision of technical assistance; outreach and the raising of awareness of States; and cooperation, including with regional and subregional organizations.

The large number of States that have submitted first reports and additional information reflects not only the Committee's dynamism but also the interest of States in meeting the goal of preventing terrorists from acquiring weapons of mass destruction. We encourage the Committee to continue these efforts and to continue its deliberations with respect to adopting its next annual programme of work, to be submitted to the

Security Council by the end of January 2009. That planning tool will be indispensable in evaluating the progress the Committee makes in the ensuing months.

We also congratulate the 1373 Committee on the progress it has achieved in its work. The conduct, jointly with the Counter-Terrorism Committee Executive Directorate (CTED), of the May 2008 global survey of the implementation by Member States of resolution 1373 (2001) (see S/2008/379) is worthy of mention. The first of its kind, the survey made it possible to gauge progress achieved and challenges to be met, broken down by thematic areas and by regions, and to make appropriate recommendations.

We note that this was possible thanks to preliminary implementation assessments provided by Member States; my delegation takes this opportunity to welcome the large number of assessments that the Committee has already considered and adopted. This reflects the commitment of States to the fight against terrorism and their resolve to continue to cooperate with the Committee and its Executive Directorate.

Burkina Faso congratulates the Committee and the Executive Directorate on the success of its field visits and encourages them to complete the stocktaking of each Member State's implementation of resolution 1373 (2001), in order to improve the focus on delays and the substantial assistance to be provided to States requiring it. It is also important that the working groups mandated by the CTED reorganization plan continue their efforts.

The Committee's recent decision to invite States that have been visited to participate in discussions on the visit report is a praiseworthy initiative.

Turning to the activities of the 1267 Committee, we welcome the excellent results achieved, especially since the adoption of resolution 1822 (2008) on 30 June. We hope that new initiatives by the Committee will make the current sanctions regime more effective. Notable advances include the review of the consolidated list before 30 June 2010, an annual update, and the introduction of explanations of reasons for listing.

The publication on the Committee website of narrative summaries of reasons for the listing of each individual and entity reflects a desire for transparency which my delegation hails. The purpose is to ensure a reliable and transparent procedure for the listing and de-listing of individuals and entities on the consolidated list, along with humanitarian exemptions. Moreover, we are convinced that the review of the Committee's guidelines will respond to the issue of respect for human rights in the Committee's listing and de-listing procedures.

To achieve those objectives, the Committee and the Analytical Support and Sanctions Monitoring Team will need the full cooperation of States. The 1267 Committee is a very important link in the counter-terrorism system, and it is vital that the international community contribute to ensuring the effectiveness of its activities.

Burkina Faso has consistently stressed the need for concerted action by the three Committees and welcomes the exemplary cooperation among them, among their groups of experts and with the United Nations Office on Drugs and Crime and regional and subregional organizations. Such coordination of efforts is indispensable to ensure a comprehensive approach to problems and the provision of appropriate technical assistance.

Finally, my delegation heartily encourages the continued holding of public informational meetings, for the sake of transparency and ongoing dialogue with all States Members of the United Nations. The interest shown by States during those briefings and the relevance of the questions raised at them bear witness to the value of such meetings.

Mr. Hoang Chi Trung (Viet Nam): At the outset, my delegation wishes to thank Ambassador Jan Grauls, Ambassador Neven Jurica and you, Mr. President, in the capacity of Chairmen of the 1267 Committee, the Counter-Terrorism Committee and the 1540 Committee, respectively, for the briefings on the work of the three Committees during the past six months. We would like to commend the three Committees, under the leadership of their Chairmen and with the assistance of their expert bodies — namely, the Monitoring Team, the Counter-Terrorism Executive Directorate (CTED) and the 1540 Expert Group — for having accomplished a good volume of activities.

We take note of the survey of the implementation of Security Council resolution 1373 (2001) by Member States (see S/2008/379) adopted by Counter-Terrorism Committee (CTC) and submitted to the Council in June 2008. While noting the Committee's intention to further improve the survey, my delegation wishes to

reaffirm that any regional or subregional approach taken by the CTC should pay attention to the particular conditions of each country and encourage the participation of all countries in the region or subregion.

We continue to support the CTC in carrying out its programme of work and in its participation in promoting the implementation of the United Nations Global Counter-Terrorism Strategy. We encourage the Committee's efforts to improve its dialogues with Member States, such as providing Member States with opportunities to present their views to the Committee with regard to visits to their countries or the contents of their preliminary implementation assessments (PIAs).

The 1267 Committee has focused its efforts on implementing the new measures introduced in resolution 1822 (2008), which are intended to further improve the transparency and effectiveness of the 1267 sanctions regime. Those efforts should continue to get the guidance and support of the Council. The 1267 Committee should also find ways to improve Member States' understanding of those new measures, such as by providing interested States with opportunities to seek clarification or exchange views with the Committee in informal settings.

The 1540 Committee also made important achievements, including the adoption in July 2008 of the second report on the status of implementation of resolution 1540 (2004) (S/2008/493, annex). We take note of the Committee's outreach activities. We are keen to learn more about its enhanced role in facilitating requests for assistance from Member States.

Cooperation and coordination among the three Committees and their expert bodies are very important. We follow with interest the preparation of the third subregional common strategy workshop for the Northern and Eastern African States, to be held in Kenya from 11 to 13 November 2008, and look forward to reports on its outcomes. We hope the participation by representatives of CTED, the Monitoring Team and the 1540 Expert Group in the 1540-specific workshops next year will further improve coordination in the work of the three expert bodies.

In conclusion, my delegation calls on the Committees to continue looking for ways and means to engage in constructive dialogues with Member States to enhance Members' support for the Committees' initiatives. We continue to pledge our cooperation with other members for further success in the work of the three Committees.

Mr. Ettalhi (Libyan Arab Jamahiriya) (*spoke in Arabic*): At the outset, I wish to associate my voice with all those who came before me in conveying my gratitude to Ambassador Urbina of Costa Rica, Ambassador Grauls of Belgium and Ambassador Jurica of Croatia, who had the leadership of the 1267, 1540 and 1373 Committees, respectively, for their very informative and valuable presentations and their untiring efforts.

With regard to the 1373 Committee, on counter-terrorism, Libya welcomes and appreciates the positive developments in its activities and the work undertaken by its Executive Directorate with regard to organizing targeted visits covering all States, developing and developed, as well as its efforts to ensure transparency in its activities. We also welcome efforts within the framework of the provision of technical assistance and national capacity-building. Here, my country harbours the hope that assistance provided within the framework of the United Nations will be improved to replace bilateral assistance. We especially welcome the efforts by the Committee and its Executive Directorate in the implementation of the United Nations Global Counter-Terrorism Strategy and its cooperation and work with United Nations bodies.

Over the last few years our actions focused on one of the axes of the Strategy — the prevention of and fight against terrorism. Today it is incumbent on us to strengthen the Committee's role to ensure that it addresses all the axes of the Strategy, especially tackling the conditions that promote terrorism and respect for human rights for all.

Occupation, aggression, defamation of cultures and civilizations and of peoples, as well as the denial of the right of legitimate resistance, the application of double standards with regard to international legality — all are factors that create fertile breeding grounds for terrorism and constitute sources of tension and terrorist acts. After all the progress achieved in counter-terrorism, my country is convinced that the time is ripe to devote attention to that aspect of the issue. The fight against and prevention of terrorism require more inclusive and effective measures that take into account the provisions of the Global Strategy. Without dwelling on details, my country believes that preventing and

suppressing the financing of terrorism require special attention and the adoption of effective measures. Granting asylum should be surrounded by guarantees that ensure that it is used for the noble humanitarian objectives for which it was created.

With regard to the 1267 Committee, which deals with sanctions against the Taliban and Al-Qaida, my country welcomes the Committee's efforts to improve its methods of work, including the listing and delisting procedures to make them more comprehensive and precise. The Libyan Arab Jamahiriya urges the Committee to submit as soon as possible, narrative summaries and the grounds for the listing of individuals and entities on the consolidated list. We believe that it is only just that the individuals and entities who are on the list and subjected to sanctions be informed of the reasons for which they were listed. The Member States, which bear the responsibility for the implementation of those sanctions, also have a right to be informed of the reasons for those sanctions.

The 1267 Committee should also devote special attention to reviewing and updating the consolidated list, including any additional information, in particular information on the identity of individuals and entities, and to following up with a review of which names need to be de-listed.

The Libyan Arab Jamahiriya is gratified that the Security Council adopted resolution 1730 (2006) setting up a coordinating focal point to gather requests for the de-listing of individuals. That is an important step towards ensuring further transparency in the sanctions regime. However, we believe that that is not enough in itself and does not meet transparency standards. We encourage the Committee to apply exemptions in conformity with resolution 1452 (2002). Those exemptions are aimed at lessening the impact of sanctions on individuals and their families, providing for humanitarian situations that might arise and ensuring that Security Council resolutions do not lead to the collective punishment of the families of individuals on the lists. We underscore here the need for the Committee to consider the obstacles to rapid decisions on exemptions and to consider such de-listing requests in a timely manner.

Turning now to the Committee established pursuant to resolution 1540 (2004), my country is fully conscious of the grave threat posed by weapons of mass destruction. The international community is meeting that challenge via multilateral legal instruments. The fact that those instruments have not yet acquired universality and that a number of Member States have not yet implemented them at the national level means that the instruments remain inadequate, because they provide no guarantee against the proliferation of biological, chemical, nuclear or other weapons of mass destruction.

The Libyan Arab Jamahiriya again reiterates its opposition to weapons of mass destruction. We are convinced that the only way to prevent the acquisition of weapons of mass destruction by non-State actors is to eliminate them entirely. The Libyan Arab Jamahiriya is convinced that disarmament and non-proliferation are two interconnected processes that reinforce each other mutually and require continuous progress to be achieved on both fronts.

Resolution 1540 (2004) imposed a number of restrictive obligations on States in the field of non-proliferation. The Committee's most recent report notes tangible progress in the implementation of its provisions. My country is among those that have submitted their first national report. The number of countries that have submitted reports and additional information has increased quite significantly. We now urge all States to submit their reports to the Committee so as to ensure the effectiveness of the Committee's work.

The Libyan Arab Jamahiriya welcomes the efforts of the Committee to assist States that require it and encourages States with assistance needs to submit them to the Committee. We invite the Committee to strengthen its role in the field of technical assistance, to implement the resolution, including by ensuring that the assistance provided is in line with the established requirements of the resolution.

My country supports the efforts of the three Security Council Committees and all efforts that would enable us to achieve our objectives in the field of counter-terrorism, including identifying the causes and symptoms of terrorism, to create a world of peace and security for all people.

Ms. Jácome (Panama) (*spoke in Spanish*): Allow me to express my gratitude for the reports presented this morning by Ambassadors Jurica, Urbina and Grauls on the important work carried out by the Committees they chair.

We would like to express our gratitude for the efforts to achieve the full implementation of resolution 1822 (2008) by the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities. Resolution 1822 (2008) introduces positive elements to the sanctions regime, including a requirement to add a narrative summary alongside the listing request; States' obligation to notify individuals who are listed; an annual review of the list of persons who are deceased; a review of the names of persons that have not been updated for more than three years; and the active revision of the Committee's guidelines.

The Security Council must also acknowledge that the 1267 Committee finds itself at a very complex crossroads and is under public scrutiny with respect to its practices and the implementation of terrorism-related resolutions. The Council must make greater efforts to implement procedures that are clearer, transparent and fair and that provide for the necessary fundamental guarantees and the standards of due process. In that respect, we agree with Court of Justice of the European Communities in its decision of 3 September 2008 recognizing that although any person or entity may currently directly submit to the Committee their request to be de-listed from the consolidated list, the procedure is essentially of a diplomatic and intra-State nature. Thus, individuals and entities affected cannot truly defend their rights.

We should also point out the efforts made by the Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism with a view to making its work more transparent. My delegation is convinced that such measures will help to achieve closer cooperation between Member States and the Committee, which will in turn help ensure a more effective implementation of the provisions of resolutions 1373 (2001) and 1624 (2005). In terms of established practices, we should point out that those Member States visited by the Committee will receive an invitation to discuss with the Committee the details of the report that are related to that visit. That will allow that Member State to participate more actively in the follow-up to the visit and to convey to the Committee its comments on the visit and its priorities for technical assistance.

However, we must make greater efforts to build up relations between Member States and the Committee in order to more effectively address the challenges in combating terrorism. In that regard, we urge the Committee to work with Member States in reviewing their preliminary implementation assessments.

We also believe that it is crucial to promote cooperation between the Counter-Terrorism Committee and international and regional organizations. We appreciate the joint work done by the Committee and such organizations in the context of the five special meetings of the Committee, including the follow-up of the main outcomes of those meetings.

We would like to underscore the importance of the meetings that took place on 20 October between the members of the 1267 and 1373 Committees and Mr. Martin Scheinin, Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism. We are certain of the great importance of those exchanges and agree with the conclusions contained in Mr. Scheinin's latest report to the General Assembly (see A/63/223) with regard to ways to establish best practices in order to ensure the right to a fair trial in terrorist cases. We would like to take this opportunity to urge that those initiatives continue to be coordinated in order to improve the work of the Committees.

With the new mandate provided by resolution 1810 (2008), the work of the Committee established pursuant to resolution 1540 (2004) will have to focus on improving dialogue between the Committee, States and other organizations and entities, especially those with a wide and representative membership. By strengthening that interaction we will better achieve the universalization of the measures provided for in resolution 1540 (2004) and thereby prevent, to the extent possible, the enormous dangers posed by the proliferation of weapons of mass destruction on the part of non-State actors.

My delegation would like to take this opportunity to acknowledge the important work done by the current members of the Expert Group of the 1540 Committee throughout its mandate. In that connection, resolution 1810 (2008) also calls for the appointment of a new Expert Group, which will have the important obligation of helping the 1540 Committee to carry out its objectives in the next three years. It will be necessary to put in place a group of professionals that bring together the appropriate experience and qualifications

while bearing in mind equitable geographic representation as much as possible.

Mr. Natalegawa (Indonesia): First of all, let me join previous speakers in thanking President Urbina, Ambassador Grauls and Ambassador Jurica for their briefings as the Chairmen, respectively, of the Security Council Committees established pursuant to resolutions 1540 (2004), 1267 (1999) and 1373 (2001). We would also like to express our appreciation to the Chairmen for their able leadership of the work of the Committees.

With respect to the briefing regarding the 1267 Committee, on Al-Qaida and the Taliban, I would like to reassert Indonesia's commitment to promote the effective implementation, legitimacy and credibility of the sanctions regime established by resolution 1267 (1999). It is in that regard that my delegation welcomes the efforts made in a number of areas to further ensure that fair and clear procedures exist for placing and removing individuals and entities on the consolidated list, as well as for the granting of humanitarian exemptions.

The issue of fair and clear procedures always draws the attention of Member States implementing sanctions regimes. In that connection, we have noted a growing perception that the current procedures have some legal deficiencies that may hinder effective implementation at the national level. The increasing number of legal cases in national and regional courts, in particular following the ruling of the European Court of Justice in the case of Al-Qadi and Al-Barakat on 3 September 2008, will potentially pose challenges to the efficacy and credibility of the 1267 sanctions regime.

Furthermore, my delegation wishes to highlight that resolution 1822 (2008) clearly directs the Committee, as a matter of priority, to review its guidelines with respect to provisions of the resolution, in particular those relating to narrative summaries of reasons for listing and review of the names on the consolidated list. We wish to underline the importance of the Committee's continuing to focus its work on that particular task.

My delegation also attaches particular importance to the direction of the Council on the review of all names on the consolidated list, including those reported to be deceased. Paragraphs 22 and 23 of resolution 1822 (2008) specifically emphasize that that effort should be carried out in order to ensure that the consolidated list is as up to date and accurate as possible and to confirm that the listings remain appropriate. We are therefore of the view that, in reviewing its guidelines, the Committee can achieve substantive progress by fully taking into account the ultimate objectives of the exercise, as outlined by the Council in the resolution.

With regard to the Counter-Terrorism Committee, my delegation also welcomes the significant progress made in recent months, in particular the continued analysis of preliminary implementation assessments (PIAs). As an innovative tool both to address the problem of reporting fatigue and to gather updated information on each State's implementation, the PIA process should be further sustained. In the light of that, Indonesia fully supports the exercise of stocktaking of each Member State's implementation of resolution 1373 (2001). The Committee should therefore enhance its dialogue with each State and strengthen its counter-terrorism capacity.

Concerning the briefing on the 1540 Committee, Indonesia continues to value the significant role that Committee is playing in promoting the implementation of the resolution. For its part, Indonesia will certainly continue its active support for the Committee's work in all areas.

We duly note the progress made by the Committee since the last joint briefing to the Security Council. My delegation welcomes the second report on the status of the implementation of resolution 1540 (2004) (see S/2008/493), submitted by the Committee in July 2008. As the full implementation of the resolution is a long-term objective and an ongoing process, it is our hope that the report will facilitate the Council's provision of strategic guidance to the Committee on the promotion of and assistance in effective implementation at the national, regional and international levels, in particular through dialogue and cooperation with Member States.

Finally, my delegation welcomes the continued interaction and coordination among the three Committees and their experts groups within the framework of the ongoing dialogue with Member States. We are of the view that that cooperation will not only be crucial for the work of the Committees but that it will also be essential for synergy and coherence in

the Council's contribution to countering the threat posed by terrorism.

Mr. Kumalo (South Africa): I would like to thank the Chairmen of the Counter-Terrorism Committee (CTC) and the Committees established pursuant to resolutions 1267 (1999) and 1540 (2004) for their informative briefings. My delegation is pleased to note the improvements with regard to the coordination of the work of the three Committees and their respective experts structures, as well as the greater synergy between the Security Council and the General Assembly, as called for in the United Nations Global Counter-Terrorism Strategy.

South Africa, in partnership with the majority of the members of the Council, has worked tirelessly over the past few years in an attempt to bring the Al-Qaida and Taliban sanctions regime in line with basic standards of procedural fairness and legal due process. The judgement handed down by the European Court of Justice in the cases of Qadi and Al Barakaat sent a clear message that a sanctions regime will fail if the concerns of Member States regarding the legal rights of individuals and fair and clear procedures are not taken into account.

The adoption of resolution 1822 (2008) marks a positive step towards the reform of the sanctions regime. The resolution provides for the public disclosure of narrative summaries of the motivation for the listing and seeks to enhance the quality of the information contained on the consolidated list. However, it is clear that a great deal of work needs to be done to give effect to the intention of resolution 1822 (2008). Moreover, there remains an urgent need for an independent and non-political review mechanism for listing and de-listing.

We are pleased that the Counter-Terrorism Committee's preliminary implementation assessments and country visits are proving to be useful tools in promoting dialogue with Member States. South Africa was one of the countries that hosted a joint Counter-Terrorism Committee Executive Directorate (CTED)-1267 Monitoring Team country visit this year and we found the visit beneficial to our ongoing efforts to assess and improve our national anti-terrorism systems. South Africa remains the only country thus far to have agreed to the inclusion of a human rights expert in a CTED country visit. It is our hope that other countries will follow this example, given that the Global Strategy's holistic and multifaceted approach to terrorism is premised on the need to respect human rights and the rule of law.

South Africa shares the international community's concerns regarding the existence of networks dealing in the illicit transfer of nuclear-related technology, materials and equipment. Our own practical experience as one of the few countries to have successfully prosecuted suspects in the A.Q. Khan network case highlighted the value of cooperation with international partners, and in particular the relevant multilateral institutions. Unfortunately, the reluctance of some to seek the prosecution of key suspects within their own jurisdictions also showed that there remains a great disparity between rhetoric in support of resolution 1540 (2004) and concrete steps to prevent the proliferation of weapons of mass destruction and to work towards their complete elimination.

Consequently, we welcome the Security Council's acceptance of our proposal to build in a reference to proliferation networks in resolution 1810 (2008). We look forward to giving practical effect to that provision in the Committee's next programme of work.

In conclusion, it is our hope that the United Nations, including the Security Council and its subsidiary bodies, will continue to play the central role in the international community's collective effort to address the threat posed by terrorism. That is best done under the framework of the Global Strategy, with its appropriate emphasis on inclusiveness, human rights, the rule of law and addressing the root causes of terrorism, such as foreign occupation and oppression.

The President (*spoke in Spanish*): I now give the floor to the representative of Australia.

Mr. Hill (Australia): I thank you, Sir, for again allowing us the opportunity to express our appreciation of and strong support for the work of the Security Council's counter-terrorism committees and their respective expert groups. They work to give practical effect to the United Nations counter-terrorism framework and the United Nations Global Counter-Terrorism Strategy. The Counter-Terrorism Implementation Task Force also has an important role to play in ensuring system-wide coherence within the United Nations in tackling terrorism. Australia encourages the committees and their expert bodies to continue to explore ways in which to work more

closely together, especially in relation to streamlined reporting regimes, assessment missions and the facilitation of technical assistance.

The long-term objective of Australia's international counter-terrorism engagement is to develop the ability of partner countries to prevent and respond to terrorist attacks. As part of that effort, Australia works collaboratively with countries in the Asia–Pacific region to implement Security Council resolutions and international instruments to combat terrorism.

Australia strongly supports the work of the Counter-Terrorism Committee and its Counter-Terrorism Committee Executive Directorate (CTED) in advancing the implementation of resolution 1373 (2001) and its successor resolutions. We welcome CTED's proactive approach to implementing its mandate and support the renewed emphasis on the delivery of technical assistance. We support CTED's close cooperation with the Counter-Terrorism Action Group of the Group of Eight in helping to deliver more targeted capacity-building assistance to Member States. We welcome other innovations, such as the draft technical guide to the implementation of resolution 1373 (2001) that is under development. We also appreciate the transparent approach being taken by the Committee and CTED through their programme of outreach and regular briefings to Member States, the most recent of which was held last week.

Australia recognizes the vital work of the 1267 Committee in United Nations counter-terrorism efforts and is committed to ensuring full compliance with Security Council resolution 1267 (1999) and its successor resolutions.

We welcome the Committee's efforts to engage more closely with Member States and regional bodies. Australia commends the Committee for its efforts to disseminate information on listed individuals and entities and to provide updates of existing listings to Member States in an effective and timely manner. Australia welcomes the greater transparency that will be brought to the listing and de-listing processes through the implementation of resolution 1822 (2008).

We encourage Member States to designate terrorists domestically and to implement their obligations to freeze the assets of individuals and entities that commit and support terrorist acts. The effectiveness of the 1267 Committee is directly related to the relevance and currency of the consolidated list and we encourage further efforts to that end by the Committee in its outreach to and dialogue with Member States.

Australia particularly welcomes the 1540 Committee's continued focus on facilitating assistance to Asia-Pacific countries to fulfil their obligations under resolution 1540 (2004). We commend the United Nations Office of Disarmament Affairs for organizing, in cooperation with the Governments of Thailand, Norway and the European Union, the Asia-Pacific 1540 regional implementation workshop for border, customs and regulatory officials, held in Bangkok between 27 and 31 October. Australia was pleased to be able to participate and address the workshop on practical, operational measures for border control and support of export controls.

Such workshops complement Australia's own outreach on non-proliferation in the Asia-Pacific. In our bilateral and multilateral engagement with regional countries, we offer assistance to further improve and strengthen capacity and expertise where we can, and we continue to expand and enhance our dialogue on non-proliferation and counter-proliferation issues with our regional partners.

At the broader level, as an active member of all export control regimes, permanent Chair of the Australia Group, current Chair of the Missile Technology Control Regime and one of more than 90 participants in the Proliferation Security Initiative, Australia works actively with other Governments to strengthen international counter-proliferation frameworks in support of the goals of resolution 1540 (2004).

The President (*spoke in Spanish*): I now give the floor to the representative of Switzerland.

Mr. Maurer (Switzerland) (*spoke in French*): Today, I have the honour to speak on behalf of Liechtenstein and Switzerland.

Our two countries welcome the regular open briefings by the Chairmen of the Counter-Terrorism Committee, the Al-Qaida and Taliban Sanctions Committee and the 1540 Committee. We would also like to convey our gratitude for the information that the three Chairmen gave us this morning and for their ongoing efforts. In this way, non-members of the Security Council have the opportunity to express their

views and concerns. Today, I will focus on the 1267 Committee, as recent events call for us to pay it special attention.

In resolution 1822 (2008), the Council introduced important measures aimed at improving listing procedures, such as publishing narrative summaries of the reasons for listing on the Committee's website. Those summaries must be as complete as possible. We also welcome the periodic review of all names on the consolidated list within the timelines clearly set out in the resolution, as that will render the list more effective.

Unfortunately, we must voice our disappointment that no progress has been made on what we consider to be a serious shortcoming of the current system, namely, the lack of an independent review mechanism concerning delisting decisions. In that context, I would like to recall that Switzerland and Liechtenstein, together with Denmark, Germany, the Netherlands and Sweden, proposed the establishment of an expert group appointed by the Security Council to assist the sanctions committees in the consideration of delisting requests. In our view, that would address concerns regarding the right to an effective review mechanism. Therefore, we regret that resolution 1822 (2008) did not reflect any of the ideas put forward in that discussion paper.

As is well known, the Court of Justice of the European Communities rendered an important judgment on that subject. The Court ruled that the Community Act was unlawful and infringed the fundamental rights of appellants under Community law. It gave three months to remedy the infringements found.

We greatly regret that dilemma confronting a Member State that is obliged to both implement Security Council sanctions and comply with a conflicting court ruling. On several occasions we have drawn the attention of Council members to that possibility, which our proposal to create an advisory group on delisting issues aimed precisely at avoiding. With no change and with more cases pending, the very legitimacy of United Nations sanctions could be put in jeopardy.

Thus we urge the 1267 Committee and the Security Council to take duly into account the reasoning of the Court of Justice of the European Communities and the concerns expressed by our countries and several other States. Switzerland and Liechtenstein are ready to contribute constructively to the efforts of the Security Council and its Committees to strengthen the effectiveness of United Nations sanctions regimes by enhancing the transparency and fairness of listing procedures, in order to do away with concerns over the right to due process. The informal report of the seminar on counter-terrorism targeted sanctions and the rule of law, organized by Liechtenstein and the American University on 15 September 2008 in Washington, also provides useful conclusions on that issue.

In addition, I would like to mention some concrete measures that Switzerland has supported to strengthen the sanctions regime in the area of counter-terrorism.

With regard to better implementing the asset-freeze requirements, this year and last year Switzerland has provided financial support and experts to several activities of the Working Group on Tackling the Financing of Terrorism. More recently, Switzerland, like Liechtenstein, decided to give financial support to a study on terrorist financing indicators in response to a request by the Analytical Support and Sanctions Monitoring Team. In order to further develop public-private partnerships in the fight against terrorism, Switzerland has also organized meetings with representatives of the private sector, in particular the banking sector, in order to enhance the prevention of terrorist financing and the fine-tuning of targeted sanctions.

With regard to the travel ban, Switzerland has supported a pilot project of INTERPOL aimed at detecting lost or stolen travel documents. We now provide real-time access to INTERPOL's Stolen or Lost Travel Document Database not only to its National Central Bureau, but also to its 20,000 federal agents at border crossing points, customs and immigration offices, as well as embassies and consulates. In the first six months, Swiss officers have conducted nearly 500 times more checks on the INTERPOL database than before and detected almost double the number of false documents than all the other 183 INTERPOL member countries combined. That success has led more than 30 countries around the world to place their officers in the field to carry out instant checks of travel documents on the INTERPOL database.

The efforts of Switzerland and Liechtenstein are motivated by their desire to strengthen the sanctions regimes and to enhance the effectiveness and legitimacy of the Security Council. We are convinced that our firm commitment to see that all applicable human rights standards are respected serves that end. However, I would like to be very clear by way of conclusion: if we do not see substantive changes with regard to the right to due process, political support for the activities I have mentioned will diminish and cooperation in the future will be put at risk.

The President (*spoke in Spanish*): I now give the floor to the representative of Japan.

Mr. Sumi (Japan): At the outset, Sir, I would like to express my deep appreciation to you for convening today's debate. I also wish to thank the Chairs of the Council's three counter-terrorism committees for their informative briefings.

Japan welcomes the consensual adoption of General Assembly resolution 62/272 following the first biennial review of the United Nations Global Counter-Terrorism Strategy on 4 and 5 September 2008. During the meetings, Member States shared their experiences in implementing the Strategy and reaffirmed their strong determination to persevere in efforts against terrorism. Terrorism continues to be one of the most serious threats to the international community. Given its increasingly international nature, the necessity for collective action by the Member States cannot be overemphasized.

In order for such collaborative efforts to succeed, the mandate of the Counter-Terrorism Committee to monitor the implementation of Security Council resolution 1373 (2001) remains essential. In that regard, I would like to commend the contribution made by Croatia as Chair of the Committee, especially the Chair's efforts to make the work of the Committee more transparent to non-members. I would also like to express our appreciation for the work of the Counter-Terrorism Committee Executive Directorate (CTED), under the leadership of Executive Director Mr. Mike Smith, in enhancing efficiency in the coordination of counter-terrorism capacity-building assistance. We appreciate in particular the role of CTED in identifying specific needs in the area of counter-terrorism technical assistance.

As Chair of the Counter-Terrorism Action Group (CTAG), Japan has been making every effort to promote effective coordination with CTED. The Group of Eight (G8) leaders' statement on counter-terrorism adopted at the G-8 Hokkaido Toyako Summit in July this year emphasizes this cooperation. The G8 countries and the CTED are jointly striving to promote consideration by CTAG members of their counter-terrorism technical assistance by addressing the specific needs identified by the CTED. In that connection, a cooperation mechanism between CTAG and CTED is being established. We intend to continue such cooperation in the future.

Japan welcomes the extension of the mandate of the Monitoring Team of the Al-Qaida and Taliban Sanctions Committee, which was decided last June. Security Council resolution 1267 (1999) and the other relevant resolutions continue to constitute one of the main pillars of United Nations counter-terrorism activities, and the role of the 1267 Committee remains crucial. It is true that various problems have been identified with the administration of the consolidated list under the 1267 Committee. Achieving the right balance between security and due process requires careful consideration. In order to ensure effective implementation by Member States, it is necessary to improve the procedures for listing and delisting. We commend the tireless efforts made by the 1267 Committee under the Belgian Chair in improving both the list and the procedures. We encourage the Committee to continue its endeavours in that regard.

Japan welcomes the decision in Security Council resolution 1810 (2008) to extend the mandate of the 1540 Committee, and appreciates the report of the Chairperson of the Committee pursuant to resolutions 1673 (2006) and 1810 (2008). We would also like to commend the efforts exerted by Costa Rica as Chair of the Committee. Japan attaches great importance to the implementation of resolution 1540 (2004) as a key element in our global efforts to prevent the proliferation of weapons of mass destruction. Japan has taken the initiative to promote the universalization of the resolution. The Leaders Declaration of the G8 Hokkaido Toyako Summit stressed the importance of the full implementation of resolution 1540 (2004) and Japan, as the G8 Chair, has also conducted a fruitful dialogue with the 1540 Committee to examine ways to further promote the implementation of resolution 1540 (2004).

Japan is both honoured and humbled to have the opportunity to participate in the activities of the three

committees beginning in January 2009. We reiterate our commitment to strengthen United Nations counter-terrorism efforts, making full use of our experience in that area.

The President (*spoke in Spanish*): I give the floor to representative of Cuba.

Ms. Núñez Mordoche (Cuba) (*spoke in Spanish*): We thank the Chairmen of the Committees created under resolutions 1267 (1999), 1373 (2001) and 1540 (2004) for the information provided. For several years, our country has been providing the Security Council with detailed information on terrorist acts against Cuba perpetrated by various individuals and organizations, as well as on the conspiratorial protection the United States Government gives them.

On numerous occasions we have addressed the Council, the last time on 6 May 2008, and we have sent letters to the Counter-Terrorism Committee and the Security Council, denouncing concrete cases of flagrant violations of resolution 1373 (2001). Unfortunately, nothing has been done so far. More than one and a half years have passed since the release in the United States of the terrorist Luis Posada Carriles, who has been rightly called the most notorious terrorist of the Western Hemisphere.

It is important to highlight that in June 2008, the Supreme Court of Justice of Panama ruled that the pardon given to Posada Carriles and his accomplices in August 2004 by the former President of that country was null and void. As may be recalled, that presidential pardon enabled Posada Carriles and his accomplices Gaspar Jiménez Escobedo, Guillermo Novo Sampoll and Pedro Remón Crispin to escape to the United States. All those terrorists had been detained in November 2000 when they were preparing an assassination attempt with explosives against President Fidel Castro, who was in Panama on the occasion of the tenth Ibero-American Summit.

In spite of the fact that the United States Government itself has admitted that he is a dangerous terrorist, Posada Carriles was only charged with petty immigration offences by United States authorities. While Posada Carriles walks freely down the streets of that country, various news media give an account of how he keeps actively in touch with terrorist and extreme right-wing elements in the United States and how he participates in events held in Miami in his honour and in recognition of his terrorist acts against Cuba.

The United States Government continues to disregard the request for the extradition of Posada Carriles, submitted on 15 June 2005 by the Government of the Bolivarian Republic of Venezuela. The Cuban Government demands once more that the United States authorities return the terrorist to Venezuela or prosecute him on United States territory under article 7 of the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation.

While avowed and unscrupulous terrorists are released, the United States Government keeps as political prisoners in high-security prisons, five Cuban anti-terrorist fighters who were only trying with great altruism and courage to obtain information on the Miami-based terrorist groups in order to prevent their acts of violence and to save the lives of Cuban and United States citizens. Once again, Cuba demands the immediate release of Gerardo Hernández, Ramón Labañino, Fernándo González, Antonio Guerrero and René González. Last 12 September marked 10 years of their unjust and cruel imprisonment in United States prisons for combating terrorism.

Cuba reiterates its request to the Security Council and its Counter-Terrorism Committee to urgently take into consideration the comprehensive information our country has provided, so that all necessary steps can be taken in accordance with the adopted resolutions. Cuba is ready to interact directly with the 1373 Committee if that would be considered useful. We are at the full disposal of the Committee to provide a more detailed presentation to its members and to provide any additional information or clarification they may consider necessary.

Double standards must not prevail. The Security Council must not continue to keep conspiratorial silence in view of that blatant affront to the victims of terrorism throughout the world. Cuba has never allowed nor will it allow its territory to be used for terrorist actions against any State, without exception. We will continue to fight terrorism firmly, in all its forms and manifestations as before.

As in the past, Cuba will continue to strictly comply with Security Council resolutions 1267 (1999), 1373 (2001) and 1540 (2004) and will carry on its cooperation with the subsidiary bodies established pursuant to those resolutions.

The President (*spoke in Spanish*): I give the floor to the representative of Israel.

Mr. Weissbrod (Israel): Allow me to congratulate you, Sir, on holding the presidency of the Council this month, and thank you for convening this important debate. My delegation also congratulates the Chairpersons of the counter-terrorism subsidiary bodies on their able stewardship, and I wish to thank them for their informative briefings this morning.

As this Council has reiterated many times, terrorism in all its forms and manifestations is illegal, unacceptable and constitutes a threat to international peace and security. There is never any justification for terrorism.

Terrorism as a global phenomenon is multifaceted and carries multiple identities. It is viewed both as a battlefield and an enemy, a weapon and a method of warfare, a strategy and a tactic, a means and an end. Terrorism knows no borders and is not confined by archaic boundaries. As such, the struggle against terrorism must be a global one. It must reflect the new realities of the twenty-first century, where money, men and materiel flow virtually without restriction from country to country. Because of the globalized world in which we live, the United Nations has an important role to play in coordinating and streamlining efforts to combat terrorism. While States bear the primary responsibility to prevent and combat terrorism, the United Nations must continue to review and implement a comprehensive approach to eliminating this scourge. The Security Council plays a central role in any such effort.

The State of Israel has been challenged by terrorism from its very beginning. Israelis and Israeli interests have been the target of terrorist attacks abroad, along our borders to the north and south, and in the very heart of the country. In this respect, Israel stresses that it is incumbent upon all States to adhere to their obligations under international law, including the relevant resolutions adopted by this Council, to prevent terrorism and to bring terrorists to justice.

Unfortunately, some States fail to observe their international obligations and continue to offer safe havens to terrorists and, in certain cases, actively host and sponsor terrorism. As such, these States threaten international peace and security. For the Council to remain engaged and effective in the fight against terrorism, it must address these breaches of its counter-terrorism resolutions in a concrete and determined manner.

Israel commends the ongoing work of the Counter-Terrorism Committee and the Counter-Terrorism Executive Directorate (CTED) in monitoring the national implementation of Security Council resolution 1373 (2001), including through the ongoing process of reviewing the preliminary implementation assessment submitted by Member States. The progress outlined in document S/2008/379 represents an important assessment of the compliance, or lack thereof, of anti-terrorism measures in different regions. It is Israel's hope that the preliminary implementation assessment review process, together with the new technical guide being drafted by CTED, will offer the Council effective ways to evaluate compliance with resolution 1373 (2001) and to offer constructive improvements.

Israel supported the adoption of a working plan for CTED earlier this year. In particular, we appreciate the efforts being taken by the Counter-Terrorism Committee and CTED to improve transparency in their work. We continue to look forward to a fruitful dialogue with these two organs in the future.

Israel welcomes the adoption this year of resolution 1822 (2008), which extended the mandate of the Monitoring Team established to support the activity of the 1267 Committee. It remains critically important that the world community continues to pursue Al-Qaida, Osama bin Laden and the Taliban and other individuals, undertakings and entities associated with them in an uncompromising fashion. The recent adoption of resolution 1822 (2008) is further demonstration of the Security Council's commitment against those who seek to use terrorism and target innocent civilians.

Israel encourages efforts to ensure that fair and clear procedures continue to be utilized in the listing and delisting of terrorist suspects. We welcome the decision of the Council to make accessible a summary of reasons for listing, including with regard to entries that were added to the Consolidated List before the adoption of resolution 1822 (2008). Israel further welcomes the decision to conduct a review of all names on the Consolidated List in order to ensure that the list is updated and accurate.

The threat of conventional terrorism continues to require our full and undivided attention. Yet, the proliferation of weapons of mass destruction — chemical, biological, nuclear and radiological —

presents an even more pressing threat to all of humanity. The dangerous nexus of terrorism and weapons of mass destruction remains a principal concern for Israel. As such, Israel fully supports resolution 1540 (2004), and we believe that it is a significant step towards the implementation of international standards against the threats of international terrorism and the proliferation of weapons of mass destruction.

We welcome the adoption of resolution 1810 (2008) and the ongoing efforts for the full implementation of resolution 1540 (2004). We urge all members of the United Nations to reassess their compliance with resolution 1540 (2004) in an effort to redouble efforts to ensure that the world's most dangerous weapons do not fall into the hands of terrorists.

Terrorism is an international plague that must be tackled in a global, holistic and comprehensive manner. In this regard, Israel welcomes the ongoing and enhanced cooperation between the Council's three counter-terrorism Committees, as well as between these Committees and other counter-terrorism organs, such as the Counter-Terrorism Implementation Task Force.

Israel, for its part, will continue to actively engage in the work of the Council's counter-terrorism Committees and to fully support their work. We are proud to be a donor country to CTED and to offer our vast experience, knowledge and best-practices to every State interested in improving its counter-terrorism abilities. Like all States, for Israel to be successful against terrorism, the international community must be successful against terrorism.

The President (*spoke in Spanish*): I now give the floor to the representative of the Bolivarian Republic of Venezuela.

Mr. Valero (Bolivarian Republic of Venezuela) (*spoke in Spanish*): Our delegation would like to take this opportunity to congratulate you, Sir, on your assumption of the presidency of the Security Council for the month of November. We acknowledge the work that is being done by this body in its commitment to fight terrorism in all its forms and manifestations.

Our delegation asked to take part in this meeting with the view to assisting, in compliance with the mandates that are generated by resolutions such as those the Council is considering today. We all know how harmful it is for States not to comply with their international legal obligations when they do not punish crimes against humanity and terrorist acts that, generally speaking, lead to the loss of innocent lives and also have an effect on the strengthening and promotion of democracy, as well as the establishment of freedoms for peoples.

Impunity is the absence of justice. Its prevalence over time is as harmful as the very terrorist act itself, which weakens the legal structures of States.

Our country reiterates its total condemnation of terrorism and reaffirms its commitment to fight it in all its forms and manifestations, in strict compliance with international humanitarian law. This commitment has been reiterated by my country in numerous international forums. We advocate the strengthening of existing legal standards in this area, and stepped up regional and international cooperation in the fight against this terrible scourge.

Venezuela has always complied with the United Nations Global Counter-Terrorism Strategy, which was adopted in September 2006 by the General Assembly through its resolution 60/288. Venezuela's legislation is an expression of that commitment. We understand that the exercise of democracy and public freedoms require the strengthening of legal systems that guarantee the stability of democratic States.

On 28 May, the Permanent Council of the Organization of American States, at the request of Venezuela, endorsed a declaration on the strengthening of cooperation in the fight against terrorism and against impunity for its perpetrators, on the basis of resolution 1373 (2001). The statement stresses that terrorism in any form affects the full enjoyment and exercise of human rights and is a serious threat to peace.

The declaration states that all States must deny safe haven to those who finance, plan or commit acts of terrorism or who offer support to these acts. The statement also stresses that States must ensure the prosecution of any person who is involved in any way with terrorism. This statement, in its paragraph 6, reaffirms the value of extradition as an essential tool in the fight against terrorism and encourages all of those States that have received extradition requests for terrorists from member States to process those requests in the requisite manner.

Thirty-two years have gone by since the explosion of the Cuban aeroplane, in which 73 innocent people lost their lives as a result of a despicable act planned and carried out by Luis Posada Carriles and other terrorists. This shadowy figure was sentenced in our country and, as he was serving his sentence, this confessed and convicted criminal escaped from a Venezuelan prison with outside assistance.

The Bolivarian Government, aware of the presence of this terrorist on United States territory and of the freedom he was enjoying, issued an extradition request by which this individual would serve the sentence imposed upon him by the Venezuelan justice system, in accordance with the cooperation mechanisms that regulate both countries in this area. But the well-known criminal was released on 8 May 2008 after a judge in El Paso, Texas, rejected immigration charges against him.

We have to recall that the request for extradition is based on three principle legal arguments. The 1922 treaty between Venezuela and the United States; the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation of 1971; and the International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly on 15 December 1997.

Thus, this is not only a bilateral matter between Venezuela and the United States, but it also has a multilateral dimension which would certainly be of interest to this forum. In this respect, we maintain that any domestic legal manoeuvre put in place regarding international regulations related to the fight against terrorism runs counter to the mandate established in resolution 1373 (2001).

The freedom enjoyed by Posada Carriles on United States territory is an expression of obvious impunity that threatens even the security of the United States and, hence, that of other countries. These undesirable circumstances weaken the actions of the 1373 Committee because they make the fight against terrorism ineffective. We must recall that resolution 1373 (2001) was adopted in the context of the tragic events that took place in the United States on 11 September 2001.

The United States of America, as a permanent member of the Security Council, has been compromising the very nature of this Organization which has the obligation to ensure global security. There are serious contradictions in the United States Government's fight against terrorism, and these affect global efforts against these harmful practices. We hope that new viewpoints and commitments in this struggle will become evident with the new political reality which has emerged in the United States following the elections on 4 November.

To conclude, allow me to reiterate that Venezuela stresses the importance of complying with United Nations resolutions and, in this respect, reiterates its request to the Security Council and the Counter-Terrorism Committee to make use of all mechanisms at their disposal and to demand compliance with this resolution, which would make it possible finally to extradite the terrorist Luis Posada Carriles to Venezuela.

Our authorities offer full legal guarantees and the full respect for human rights if the United States complies with this extradition. In this respect, the Constitution of the Bolivarian Republic of Venezuela unambiguously protects the rights and legal proceedings related to acts of this nature.

The President (*spoke in Spanish*): The representative of the United States of America has asked for the floor to make a further statement.

Ms. Willson (United States of America): Contrary to the statements that the Council has heard again this morning, the United States has taken a number of actions with respect to the Luis Posada Carriles case. In taking these steps, the United States has acted consistent with international law as well as with our domestic legal framework that provides for due process and various constitutional safeguards. As with democracies around the world that follow the rule of law, these safeguards provide that an individual cannot be brought for trial or extradited unless sufficient evidence has been established that he has committed the offence charged. In the United States, this standard is described as "probable cause". Let me give the Council a brief overview of the steps the United States has taken with respect to Posada within this legal framework.

Posada entered the United States illegally in early 2005. Posada was detained by immigration authorities in the United States on 17 May 2005, and he was, in accordance with United States law, placed in removal proceedings. The immigration judge who handled the

removal proceedings ordered that Posada be removed from the United States on 27 September 2005. That order remains in effect. The United States has been seeking ways to implement it consistent with the terms of the order and United States regulations that implement the obligations of the United States under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Specifically, at the time the immigration judge ordered Posada removed, the immigration judge also determined that Posada could not be removed to either Cuba or Venezuela as it was more likely than not that he would be tortured if he were so transferred. As a matter of United States immigration law, the United States is not in a position to remove Posada to either country.

Moreover, the United States sought and obtained a criminal indictment charging Posada with violations of our immigration laws. Although the federal district court handling that case dismissed the indictment, the United States appealed the decision and, on 14 August 2008, a federal appeals court agreed with the Government and reversed the district court decision. The case now goes back to the trial court for further proceedings.

Posada also remains under investigation for past activities. In the meantime, Posada remains subject to the order of removal issued by the immigration judge and is without legal status in the United States. He is also subject to an order of supervision from the Department of Homeland Security, Immigration and Customs Enforcement, which imposes certain restrictions on Posada, including reporting and monitoring requirements. In sum, the United States continues to be engaged in an ongoing series of actions, consistent with our legal requirements and due process with respect to Posada.

A reference was also made to five Cubans who are incarcerated in the United States. In the case of the five Cubans accused of spying, the facts of the case help to address the misrepresentations issued by the Cuban Government and others in relation to that case. The five Cubans were tried in United States federal court and received all guarantees of due process provided under the United States Constitution. They were ultimately convicted for being unregistered agents of the Cuban Government. Three of the defendants were also convicted of attempting to obtain non-public national defence information, and one was convicted of conspiracy to commit murder. In fact, the defendants never denied that they were covert agents of the Cuban regime.

The defendants have made full use of their extensive due process rights, benefiting from their vast procedural protections and the provision of Government-funded legal assistance. The defendants continue to take advantage of their rights as guaranteed under the United States Constitution. Millions of Cubans on the island have been waiting for a half-century for the rights that these defendants were afforded in the United States.

On 4 June 2008, a panel of the United States Court of Appeals for the Eleventh Circuit decided on all remaining issues raised by the defendants. The Court of Appeals affirmed the convictions of all five defendants, holding that all of the legal arguments challenging their convictions were without merit and that sufficient evidence supported each conviction. The panel vacated sentences for three of the five defendants and remanded their cases so that new sentences could be imposed. The panel affirmed the sentences of the other two defendants, including the life sentence of the defendant convicted of conspiracy to commit murder in connection with the Brothers to the Rescue shootdown.

The five convicted Cuban spies are serving sentences in federal institutions throughout the United States. They are held among and have the same privileges available to them as the general prison population. Under Federal Bureau of Prisons provisions, inmates are allowed visits by immediately family members and other approved relatives, friends and associates with pre-established relationships, as well as their attorneys and Cuban consular officials.

All prospective visitors other than immediate family members may be subject to background check and approval by the institution's staff. The five convicted Cuban spies have received numerous, lengthy visits from eligible family members. However, not all applicants who seek such visits are eligible for visas. According to State Department visa reports, relatives of the five have been issued visas on more than 100 occasions for visitation purposes.

The President (*spoke in Spanish*): The representative of Cuba has requested the floor to make a further statement. I invite him to take a seat at the Council table and to make his statement.

Mr. Benítez Versón (Cuba) (*spoke in Spanish*): I have requested the floor in order to respond to the comments that have just been made by the representative of the United States.

What is unjustifiable cannot be justified. It has been claimed that her country has taken legal actions with respect to the case of Posada Carriles. The reality is that the Government of the United States has gone to truly shameful extremes to protect the most famous terrorist in the Western Hemisphere.

It is true that Posada Carriles was detained by United States immigration authorities on 17 May 2005. What the representative of the United States did not say is that the terrorist was detained only after months had gone by during which the United States authorities denied his presence in United States territory, despite the repeated public complaints by President Fidel Castro on the matter. Only when the press published interviews with Posada, including front-page photographs showing him enjoying the Miami sun, did they have no alternative but to arrest him.

It is also true, as the representative of the United States said, that Posada Carriles was submitted to a criminal trial in this country. What she did not say was that at no time did the authorities try Posada for his terrorist actions. Rather, they dealt with the case as a simple illegal immigration matter and thus they guaranteed the terrorist's protection and release, which finally took place on 8 May of last year.

The United States Government knows full well that Posada Carriles is not a mere illegal immigrant. They have all of the evidence and information that prove his guilt for the explosion of the Cubana Aviación aeroplane in flight close to the coast of Barbados, which claimed the lives of 73 innocent people. They also know that Posada prepared and led a series of terrorist acts in 1997, using explosive devices against hotels in Havana, among many other repugnant actions taken by him in his long career.

There are many questions that the United States representative did not answer and never will. Why, while having all of the elements needed to try him as a terrorist, does the United States Government only accuse Posada Carriles of lesser immigration offences? Why has the United States Citizenship and Immigration Services of the Department of Homeland Security not used the measures at its disposal to keep the terrorist in prison? Instead, Posada Carriles is now walking freely through the streets of Miami. Why has the Government of the United States completely ignored the request presented, in conformity with all the necessary requirements, by the Government of the Bolivarian Republic of Venezuela?

For Cuba, the answer is very clear. The Government of the United States is trying to prevent Posada Carriles from speaking out in public about the terrorist acts that he committed against Cuba, Venezuela and other countries while acting under the orders of the Central Intelligence Agency (CIA) for more than 20 years.

I would like to respond briefly to the comments by the representative of the United States on the imprisonment in that country of five Cuban individuals who were fighting against terrorism. The United States Government knows full well that none of "the Cuban five", as they are known throughout the world, threaten the national security of the United States. On the contrary, they were carrying out a mission to monitor terrorist plans organized from Florida against Cuba that endangered the lives of not only Cuban citizens but of United States citizens as well.

Despite that, they were arrested and were subjected to an unfair and politicized trial in Miami, with its well-known atmosphere of violence and intimidation with respect to anything related to Cuba. They faced baseless charges without evidence, which were never proven.

The trials of the five were publicly questioned by the United States National Association of Criminal Defense Lawyers, the American Association of Jurists and international legal bodies. The Human Rights Council's Working Group on Arbitrary Detention, which is composed of independent experts, after examining the case for two years, declared that the arrests were arbitrary and urged the United States Government to take the measures necessary to correct that arbitrary act.

However, the five remain political prisoners in high-security prisons in the United States. The State Department, in addition to these unjust sentences, has for 10 years denied visas to the wives of two of the men, Gerardo Hernández and René González, depriving them of the right to a visit, which even the worst criminals have. Justice will be served sooner rather than later. The true terrorists will be condemned and the five will return to their homeland.

I would like to conclude by making a new appeal to the Security Council to consider Cuba's accusations and take the appropriate action. Such shameful behaviour by a member of the Security Council, as powerful as it may be, cannot be allowed to so seriously affect the credibility of this body.

The President (*spoke in Spanish*): The representative of the Bolivarian Republic of Venezuela has requested the floor to make a further statement. I invite that representative to take a seat at the Council table and to make his statement.

Mr. Valero Briceño (Bolivarian Republic of Venezuela) (*spoke in Spanish*): The delegation of Venezuela did not think that the representative of the United States was going to try, as she has, to justify the unjustifiable, to try to show that the United States has carried out legal proceedings that allow a convicted and confessed criminal to remain on its territory.

Allow me to make a few brief comments. Posada Carriles was arrested and tried in Venezuela. He confessed to his crimes, not only to having taken part and planned the destruction and bombing of the Cubana de Aviación aeroplane that claimed so many lives, but also to having committed other crimes. There are books, interviews, testimony and documents that show Posada Carilles to be a confessed and convicted criminal. This is not merely a man who was the subject of judicial investigations, but a criminal who has admitted openly and in public — and there are dozens of documents, interviews and books that prove this — that he himself was guilty of numerous terrorist attacks. Thus, this is not someone who is the subject of investigation, but rather someone who had been arrested. He was in a Venezuelan prison. He acknowledged his crimes, confessed them openly and even boasted of them in the most shameless manner.

The United States representative said that a judge in the United States declared that Posada Carriles cannot be referred to Venezuela or Cuba because he could be subjected to torture. On behalf of the Government of the Bolivarian Republic of Venezuela, I would like to assure the Council that that is not the case. Through diplomatic notes and official conversations between Venezuelan diplomats, representatives of the Venezuelan embassy in the United States and representatives of the State Department, Venezuela has given full assurances that if the United States complies with the extradition process, Posada Carriles will be subject to the rule of law, with full respect for due process, for his human rights and for all of the prerogatives that any human being deserves.

It seems absolutely unfathomable that a country that practices torture and even justifies it legally would attempt to state that Posada Carilles runs the risk of being subjected to torture, for example in Venezuela. If any terrorist practices or tortures have been proven, it is those that have been committed by the United States of America, for example in Abu Ghraib and in Guantánamo, where the Government of the United States has refused access, on many occasions, to the Inter-American Commission on Human Rights and both the American and the global press. We have heard echoes of the obvious and notorious torture that has been experienced by prisoners in those jails. But the most serious thing is that the United States Government is trying to justify certain forms of torture when they are supposedly necessary to defend its national security.

In the case of Luis Posada Carilles, we have a well-known international terrorist, possibly the most dangerous international terrorist alive today. But the Government of the United States wants to let his crimes go unpunished. This is an individual who was a member of the Central Intelligence Agency (CIA). He was on the CIA payroll. That is possibly one additional reason that has led the United States Government to protect Posada Carilles: the possible confessions that that criminal could make about his CIA past, as an agent on the payroll of the CIA, and about the actions he committed around the world.

The accusations levelled against this well-known terrorist come not only from the Governments of Venezuela and Cuba. He has also committed crimes in other countries, such as his attempt to blow up a theatre in Panama during an event involving heads of State.

Lastly, Venezuela reiterates its request that this body call on the Government of the United States to honour the extradition agreement we have signed, so that there is no impunity for that kind of crime.

The President (*spoke in Spanish*): There are no further speakers inscribed on my list. The Security Council has thus concluded the current stage of its consideration of the item on its agenda.

The meeting rose at 1.30 p.m.